

HISTORY
OF
YORK COUNTY
PENNSYLVANIA,

FROM THE EARLIEST PERIOD TO THE PRESENT TIME, DIVIDED INTO GENERAL,
SPECIAL, TOWNSHIP AND BOROUGH HISTORIES, WITH A
BIOGRAPHICAL DEPARTMENT
APPENDED.

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ILLUSTRATED.

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HON. JEREMIAH S. BLACK.

Jeremiah S. Black was born in Somerset County, Penn., January 10, 1810, and received the usual education in the schools of the neighborhood of his home. His father, Henry Black, was for twenty years an associate judge of that county, was a member of the State legislature and a representative in Congress. His mother was born in York County, and was a daughter of Patrick Sullivan, who came to this county about the year 1790; was a captain in the Revolutionary war, and was married in York County, whence he removed to Somerset. The future chief justice and statesman very early evinced a predilection for the higher order of literature and classics, and such studies prepared him for the exercise of that forcible rhetoric so eminent a characteristic of his

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subsequent literary and forensic disputations. He studied law with Chauncey Forward, Esq., of Somerset, and was admitted to the bar before he was of age. When Mr. Forward was elected to Congress his business was intrusted to Mr. Black, who was soon after appointed deputy attorney general for Somerset.

In 1842, at the age of thirty-two years, he was appointed by Gov. Porter, president judge of the Sixteenth Judicial District of Pennsylvania, succeeding the Hon. Alexander Thomson. He very soon attained distinction as a judge, and became known throughout the commonwealth as one of its judicial lights. The law was then, as it were, in a transition state in many of its features, and the symptoms of those innovations which subsequently occasioned almost acrimonious controversy on the elective supreme bench, had begun to manifest themselves. In 1851, under the judiciary amendments to the constitution, he was made one of the candidates by the Democratic Convention for the Supreme Bench, together with John B. Gibson, then Chief Justice; Ellis Lewis, then President of the Lancaster District; Walter H. Lawrie, of the district court of Pittsburgh, and James Campbell, late of the common pleas of Philadelphia. At the election he received the highest popular vote. On the opposite ticket were such men as William M. Meredith and Joshua Comley and Richard Coulter, the last named being elected.

Judge Black became chief justice by lot, drawing the shortest term. In 1854, his term having expired, he was re-elected to the supreme bench over Hon. Daniel M. Smyser and Hon. Thomas H. Baird by a very large plurality vote. His judicial career, though brief, was distinguished; his decisions, contained in the state reports from Fourth Harris to Fifth Casey, are cited as emphatic expositions of the law; and when he was obliged to dissent from the majority of the court, his opinions contained unquestionable law at the time. His loyalty to his great predecessor in the chief justiceship, as well as his own firm convictions regarding what were then acknowledged landmarks of the law, held them together against what they conceived to be innovations; and this position was maintained by him after his lamented and renowned colleague, Judge Gibson, was removed from the bench by death. These evolutions, however, take place in law, as well as in other human affairs; and the body of our jurisprudence received a deep impress from his terse and vigorous style, the clearness and logical force of his reasoning, almost formulating a code on many subjects discussed by him.

Shortly after the 4th of March, 1857, while upon the supreme bench, President Buchanan appointed him attorney-general of the United States. In this position, upon which he entered with no other experience as a lawyer than the practice of Pennsylvania law affords, and no political experience other than may be gained by any citizen, he acquired distinction. In law, the great cases of the California land grants, involving in extent over 19,000 square miles, including a large part of San Francisco, the whole of Sacramento and other cities, and in money \$150,000,000, called into exercise not only the legal ability, but the professional skill of the attorney-general, resulting in a great triumph of justice over a most stupendous fraud. This laid the foundation of his national reputation as a lawyer, and secured that marvellous success that attended his subsequent professional career.

In statesmanship, during that trying period of our country's history, there devolved upon him the most onerous duties. He was the principal adviser of the President, who was a man of high intellectual ability, but who, on account of the warring elements of his cabinet, was compelled to lean his arm upon his attorney-general for support. Upon the resignation of Gen. Cass, Mr. Buchanan appointed Judge Black secretary of State. The events of the closing months of that administration are memorable, and the action of the cabinet has been but recently revealed. The course of Judge Black has been vindicated by the documents prepared under his own hand or supervision, and the legal and constitutional status of the government and its powers, in case of secession as then expounded, and the wisdom of the determination of the many intricate questions arising in that crisis, have been sustained in the light of subsequent events.

During the earlier portion of that administration, the great struggle between the North and the South for the occupation of the territories under existing institutions culminated. The Lecompton constitution and other troublesome matters raised issues that severed the dominant party. The great champion of territorial rights, Stephen A. Douglas, had announced doctrines on behalf of the party which the attorney-general, entering that arena, showed to be unsound. It was in that controversy that Judge Black first attracted the attention of the people of the United States to that keen power of logic and force of rhetoric which have made him so famous in polemics.

At the close of Mr. Buchanan's adminis-

tration Judge Black was nominated for the supreme bench of the United States, but, in that crisis, and in the midst of the political excitement thereby occasioned, it was not acted upon. He was subsequently appointed reporter of the supreme courts, and published two volumes: First and Second Black.

At the close of Mr. Buchanan's administration he became a resident of York, and participated in the trial of some local causes.

The career of Judge Black after his retirement from public life was unexampled in the line of professional success as a lawyer. His name is associated with greater cases and larger fees than that of any American lawyer who preceded him, in the highest tribunal of the land or in local courts. The war gave rise to a class of cases which, strange to say, involved the fundamental principles of liberty, the struggles for which had been handed down to us from a past age, and which, it was presumed, had been settled a century before. The cases of citizens of the republic, Blyew, McArde and Milligan, have made the state trials of the United States of America more illustrious than those of Great Britain, for they arrested in this land the encroachment of a government, Republican in form, upon the absolute rights of individuals, when the excitement of the hour seemed to obscure the better judgment of those in power. They established the judiciary as truly the bulwark of liberty.

The case of Blyew arose under the Civil Rights' Bill. The defendant had been sentenced to death by a Federal court in the State of Kentucky, but the prisoner, for whom Judge Black appeared, was released by the supreme court. The case of McArde arose under the Reconstruction acts. The defendant was held under a conviction by a military commission, and under the argument of Judge Black would have been released had not Congress ousted the jurisdiction of the supreme court. The prisoner was then released by the government. The case of Milligan was a trial and conviction before a military commission. He, too, was under sentence of death, approved by the president of the United States. The case came before the supreme court on a writ of *habeas corpus*. The argument of Judge Black, in this last mentioned case, is one of the most memorable of forensic efforts before any tribunal. The case is among the most celebrated of State trials, and its result, the discharge of the prisoner, maintained inviolate the constitution of the United States.

In 1876, the year that completed the centenary of American independence, a presi-

dential election took place, the contest over the result of which shook the pillars of our electoral system. By an electoral commission, mutually agreed upon by the contestants, the question of the result in the several disputed States was determined by a majority of the commission according to their political predilections. Judge Black, as one of the counsel for Mr. Tilden, contended with great force against the fraudulent returns which were counted. His effort in the South Carolina case is a masterpiece of bold invective.

Judge Black occupied no official position after leaving the cabinet, except as a member of the constitutional convention of Pennsylvania, 1872-3, as a delegate at large. His appearance in that body attracted the marked attention of his fellow members, as did also every word he uttered there, not only in debate but in ordinary conversation. Though he participated but little in its public discussions, he largely influenced the action of the convention on many important subjects, notably those upon the restrictions on railroad corporations and upon legislative jobbery. Afterward he took the part of the people before the judiciary committees of the legislature against monopolies, as manifested in the combinations in defiance of the new constitution, and contended for the power of the general assembly to check their rapacity. In the matter of legislative jobbery, the offense of private solicitation under which the conviction of prominent lobbyists has been secured, was owing to him, as well as in a great degree the limits put upon the legislative power.

Judge Black acquired fame as a controversialist on many subjects connected with his own political experience on questions of political reform and the redress of wrongs. He also entered the arena in defense of Christianity, with a force of logic that the champion of the attack has not been able to answer.

His colloquial powers were of the highest order. It has been regretted that there has been no Boswell to transcribe his many wise and witty sayings, the strength and drollery of his observations, his readiness of forensic repartee, nay, his deep philosophy. The table-talk of many of the *litterati*, such as Coleridge, for instance, has been given to the world, and the coteries of France, where the great Franklin appeared with his practical wisdom, have been celebrated by historians. Are there not many observations of our own *savan* that may yet be profitably gathered for publication?

Judge Black enjoyed the powers of his intellect to the last. He seemed to be in the enjoyment of sound health when stricken by the hand of death at his beautiful home, "Brockie," near York. He died, August 19, 1883. His high character, his open heartedness and wealth of intellectual resources have made his memory sacred among the people of his adopted home, the fame of which has been enhanced by his presence.
