

Parkhurst - Judge Bosworth - 1884.

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In Memoriam.

Judge Joseph S. Bosworth.

In Memoriam.

Judge Joseph S. Bosworth.

Handwritten text, likely a signature or title, appearing as "The End of the World"

ARTHUR & BONNELL,
PRINTERS,
55 CEDAR ST., NEW YORK.

Funeral Address

DELIVERED BY THE

REV. CHARLES H. PARKHURST,

AT

Madison Square Presbyterian Church,

Saturday, May 24th, 1884.

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FROM
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Address.

It is no part of my purpose either to tire you or to tax myself with an obituary record. Statistics are dry; life is fresh, juicy. Life is no affair of dates and places. Nor is it much a matter of years. It signifies little to be told that a man is fifty, seventy or seventy-seven. We know nothing more of Methuselah for being told that he was nine hundred and sixty-nine. A thought cannot be dated, nor an affection stated geographically, nor a live spirit treated chronologically. Some men do not grow old. Age has no relevancy to them. Years may furrow the brow, and whiten the hair till it is very white, without stealing edge from the thought, or drying the early dew from the affections. And of our friend, as of an earlier expounder of the law, it may be said, "His eye was not dim, nor his natural force abated." It has been said by Dickens that "Father Time is not always a hard parent, and though he tarries for none of his children, often lays his hand lightly upon them who have used him well."

It is a wholesome thing to let our thoughts gather for a moment, at least, around a life so distinguished in its services as his, so simple in its methods and tastes, so keen in its discernments, so pure in its purposes, so warm and generous in all its motives and impulses. And that, too, not so much to the end of saying pleasant things about one who has gone,—although love loves to do that,—as with the intent of getting that life into educating and stimulating relations to us who remain. To offer a prayer, to sing a hymn, to read selections even from the Word of God does not quite meet the exactions of the occasion, nor level us to the grade of its opportunities.

We are every day having our confidence in manhood jarred by men's surrender to the untoward strains with which life, private or public, is fraught. As an offset to this it is eminently to our advantage to train our regards on occasion, upon men whose lives, whose completed lives especially, stand out in serene supremacy and quiet victory over the assaults to which they have been continuously exposed. Nothing touches us so closely as life. Nothing teaches so impressively as life. Such men as this whose memory has drawn us together, help us toward a better and a stronger manhood by showing us what it is possible for a man to be and

what a man has actually become. At an impromptu gathering of his friends at his house last year, on the seventy-sixth anniversary of his birth, among other tributes paid him by eminent colleagues and associates, was this by an ex-Governor of this state : “ In private and in public life *unassailed* and *unassailable*.” It is well to have known such men when they were alive and it is well to think of them when they are dead. They cultivate in us a sense of whatsoever things are honest, whatsoever things are just, pure, lovely and of good report. Such men are preceptors of the general conscience. They make us feel that the distinction between the true and the false, the right and the wrong, is not a matter of convention nor of education, but a prior concern, earlier than man, deeper than man, and more lasting. They clarify our own sense of the right and wrong, and so add nerve and muscle to our own moral susceptibilities and energies. In this way he has been fulfilling our Lord's ideal of the Christian, which is to be a light in the world. Thus in a quiet way, and, as was fit, along the line of his own professional engagement, becoming a preacher of righteousness, without ostentation; but as it has been remarked by some one, “light-houses do not ring bells and fire cannon to call attention to their shining; they just shine.”

Judge Bosworth was characterized by a certain bi-polarity of intellect and heart. With him thought and affection pulled easily together under one yoke. His thoughts regulated his affections, and his affections quickened and warmed his thoughts. He loved men, and was therefore loved by them. He *adopted* men into his affection. He was brotherly to his equals in years and fatherly to his juniors. Once a friend was with him always a friend. His loves were not rotatory. He died without enemies. Professional competitions and antagonisms did not stand in the way of heart affinities, nor obliterate them. Those things came in only as drifting clouds, that put a *momentary shadow* on the ground without leaving behind them any *stain* on the ground.

With him, feeling coöperated with intellect in determining his judicial findings. Cold judgments are not the best judgments. Men have to feel their way to safe conclusions as well as reason their way. He did not leave his heart at home and take only his brain with him upon the bench. He recognized the emotional nature as being also an organ of discovery. It was the *warmth* in his eye as well as the light in it that enabled him to hold the scales of justice with so steady a hand and so even a balance.

The judicial eminence to which he attained as the result of large native powers, thorough discipline and prolonged experience, was in no wise sacrificed or impaired by the interruption of his formal connection with the judiciary, and, not only that, never, practically, was the exercise of judicial functions terminated. He never really became an ex-Judge. Some men, with or without formal investiture are judges by constitution, seated upon the bench by ordination of inward dowry and the general confidence; clad in inalienable ermine. A legal admirer has said of him in this relation, "When Judge Bosworth left the bench he did not cease to be a judge. He had so fully the approval and confidence of the bar, and of the community, that important cases were referred to him for adjudication; and from that time to this he has held his court, and heard and decided cases involving great amounts and interests, and grave and intricate questions of law, almost, if not quite, as constantly as when he occupied the official post. Litigants came before him of choice, referred their controversies to him for decision, and invested him with the double authority of deciding alike on the facts and on the law. I can imagine (he goes on to say) no more beautiful or honorable evening for a jurist of the higher order, whether following his career

at the bar or on the bench, than that he should thus hold his court by the voluntary choice of his fellow-men, and that they should make him the judge between them in the weighty matters of the law. It has always seemed to me that the post meridian of Joseph S. Bosworth was thus most distinguished and enviable."

As was natural, and as is usual with men who think with care, he found the scheme of salvation as contained in the Scriptures and as avowed by the Christian church, complicated with many difficulties. The laws of evidence and their application being with him special objects of regard, his approach to religious questions and to the claims of revealed truths upon his acceptance, would naturally be by discursive methods. The methods of thought incident to his profession and daily occupation worked embarrassment. The legal mind moves from premises to conclusion. Now there are no premises large enough to yield either God or immortality as third term. That was his difficulty. It was to his advantage here that he put himself under the guidance of a master mind, so keen in its logical processes as to be able to appreciate fully Judge Bosworth's difficulties, and so deep in its intuitions, as to be able to lead to a well of living water deeper than any which logical implements

have ever sufficed to excavate. He learned to realize that a divine revelation must from the necessities of the case involve problems and obscurities, and that the blade of finite thought could never reach so far but that somewhere it would strike and dull itself upon horizon lines.

He learned also to confer with his own heart as well as with objective proofs; to attach value to the deep wants of his soul and to its strong leanings; to let his own felt Christian capacities plead their own cause, and to recognize spiritual hunger as a safe prophecy of spiritual supply. Thus it came about that in carefulness of thought and child-like teachableness of spirit, he assented intellectually and consented cordially to the claims of the gospel, and when past sixty publicly confessed his faith, and was baptized into the name of the Father, the Son and the Holy Ghost. Here has been his membership, and yonder pew has been witness to the constancy of his attendance,—his great head, conspicuous by its whiteness, and his face of commingled dignity, serenity and sweetness, by its responsiveness affording far more of encouragement to the preacher than the preacher was able, in the way of instruction, to render unto him. His was one of the pews that helped support the leanings of the pulpit.

Such men are the safeguards of society. Said Dr. Willard Parker, whose eulogy has been so recently pronounced,—“Had I the creation of a world, I would put into it a great many Judge Bosworths.” It is true that after not a great many years his name will not be spoken any more; but such lives, so true and sterling, are like the water that creeps up into mist, and then dissipates itself into transparent sky, till it cannot be seen any more; it lurks in the air still in silent and diffusive presence, and when the time comes, it gets drawn back into mist and water-drops again, which fall somewhere, and somewhere the ground is wetted by them, and somewhere the leaves are greened by them. It is not so sad to be unnamed and unspoken as it is glad to survive, an unconscious force, in the men and times that lie later on.

The passage hence of a great ripe life, like his, is like the falling of a great oak in the forest: it uncovers to the light and the air the smaller growths, the younger men, especially of his own profession, and bares their heads to the clear of weightier responsibilities and larger accountabilities. Nothing stops. Men die, but man lives. We are like the railway irons; the rails leave off, but the track is continuous, and without conscious-

ness of jar the train slips steadily away to its destination.

Our sympathies are with this bereaved family. When father and mother both are gone, really the family is gone. The times are slipped on to a new generation. The family, as such, is a matter of memory. The key-note is dropped out. The dominant chords are mute. The music must henceforth be at fault. The harp is broken beyond earthly repair. The Lord bless to you the precious memory of your dear father; add you, one after another, to the fellowship of them that are gone before, till the harp shall be elsewhere restrung, and the song be again complete.

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