

**LIFE AND TIMES OF JUDGE THOMAS
COOPER: JURIST, SCIENTIST,
EDUCATOR, AUTHOR, PUBLICIST.
LECTURES BEFORE THE DICKINSON
SCHOOL OF LAW, CARLISLE, PA.**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649347001

Life and Times of Judge Thomas Cooper: Jurist, Scientist, Educator, Author, Publicist. Lectures before the Dickinson School of Law, Carlisle, PA. by Charles F. Himes

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CHARLES F. HIMES

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THOMAS COOPER, M. D.

FROM ENGRAVING BY A. B. DURAND
FROM DRAWING BY C. INGHAM, 1829

LIFE AND TIMES
OF
JUDGE THOMAS COOPER
JURIST, SCIENTIST, EDUCATOR, AUTHOR, PUBLICIST

LECTURES BEFORE THE
DICKINSON SCHOOL OF LAW
CARLISLE, PA.

BY
PROFESSOR CHARLES F. HIMES, PH.D., LL.D.

"The government is the government of the people, and
for the people."

"Information Respecting America."—1794

"For a nation to change its form of government it is
sufficient that she wishes it."

Reply to Burke—1792

"We teach our youth in vain unless we enable them
to keep pace with the improvements of the day."

President of S. Ca. University—1826

PORTRAIT

DICKINSON SCHOOL OF LAW
CARLISLE, PA.

1918

NEW YORK
PUBLIC
LIBRARY

TO THE READER :—

It may seem strange that a man characterized by Jefferson as "without a single exception" "the greatest man in America in the powers of mind and acquired information," should have so nearly escaped into oblivion, that there is no satisfactory biography to which the curious inquirer may be referred.

The sketches of him, to be found, are not only meagre, but filled with inaccuracies, which are frequently quoted.

The explanation is simple. All the rich biographical material that had accumulated during a long life of varied activity, was destroyed by fire, together with an almost completed biography.

The interest of the writer in the man was at first largely personal and local, in the preparation of a history of Dickinson College, more particularly of its Scientific Department, in which Judge Cooper had been a highly distinguished predecessor of his own in the chair of Chemistry,—1811-1814. The very faint traditions of him that still lingered; the somewhat faded recollections of an "oldest inhabitant," who knew him; old records, and documents and letters, together with the best biographies to be found furnished data and clues; which on further investigation, disclosed a very unique and interesting personality.

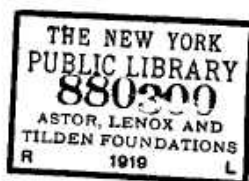
A general biographical lecture before the Dickinson School of Law led to others on special episodes of his life of more than local interest.

The present biographical sketch is the first lecture, enlarged in the publication by fuller treatment on some points than the limited time of a lecture would permit.

It is in no sense a formal biography, but rather a presentation of the personality of the man, at times with an auto-biographical turn, to which many of his writings tempt.

It embodies, however, the results of careful research and particular attention has been given to the verification of statements, and to the correction of others found in sketches of Judge Cooper, often repeated as authentic.

C. F. H.



I. BIOGRAPHICAL SKETCH

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Portrait from steelengraving by Durand—Frontispiece.
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BIOGRAPHICAL SKETCH

ENGLAND—PARIS 1792—LONDON—AMERICA 1794—1839

The name of Thomas Cooper does not challenge immediate interested attention, at first mention, although it does occur at times quite conspicuously in highly important incidents in the history of the country in the early years of 1800, and subsequently. He seems indeed almost to have escaped into oblivion.

Under such circumstances it seems allowable to preface the presentation of the man by a few words of introduction from some of his eminent and intimate contemporaries, whose opinions may be regarded as worthy of respect.

Thomas Jefferson wrote of him:—"Cooper is acknowledged by every enlightened man who knows him, to be the greatest man in America, in the powers of mind and in acquired information;" and then as if to clinch the statement adds, "and that without a single exception." * This very general statement could be supported by many others by the same authority, equally strong in particular cases.

Madison had a hardly less exalted opinion of him as a jurist. In writing to Jefferson, in 1810, † he asks, "Have you received a copy of ‡ Cooper's (the Penn'a. Judge) masterly opinion on the question, whether the

* *Earley History of the University of Virginia as contained in the Letters of Thomas Jefferson and Joseph C. Cabell.*—J. W. Randolph, Richmond, Va. 1856. p. 169.

† *Writings of James Madison*, Vol. VIII, p. 103.

‡ "The Opinion delivered by Judge Cooper in the High Court of Errors and Appeals of Pennsylvania, July 29, 1808. In the case *Dempsey (Dempsie) Ass. of Brown v. The insurance Company of Pennsylvania on the Effect of A Sentence of a Foreign Court of Vice Admiralty, as between the Insurer and the Insured, with an Introductory Preface by Alexander James Dallas, Esq.* Patrick Byrne, Philadelphia."

sentence of a Foreign Admiralty Court in a prize cause be conclusive evidence in a suit here between the Underwriter & Insured?" and pronounced it a most *thorough* investigation, and irrefragable disproof of the British doctrine on the subject, as adopted by a decision of the Supreme Court of the U. S. *

At another time in writing to Jefferson, he says, "Judge Johnson made a stroke at Cooper, which has plunged him into a venomous dispute with an antagonist the force of whose mind and pen you well know, and what is worse, Johnson stooped in his excitement to invoke religious prejudices against Cooper."†

Judge Brackenridge of the Supreme Court of Pennsylvania, in commenting upon the opinion just alluded to, remarks: "It exhibits the *utmost comprehension of mind, which is the characteristic of a great Judge, and is the finest specimen of legal reasoning that ever fell from a bench.*" The Italics are his. In another connection he says of it: "I would advise every American student to read this opinion of Judge Cooper; not so much for the reasoning and ideas, as for the analysis and systematic comprehension of the subject. It is a model that deserves to be admired.‡

Another remarks of it, "It is perhaps one of the ablest and most comprehensive and perspicuous arguments that has appeared on that difficult and highly important question. Both in England and this country the question has been frequently stated, and not less frequently variously and confusedly decided."

Our own Chief Justice Gibson, who knew Cooper

* "(Foot note) Given in the case of Dempsey, assignee of Brown, v. The Insurance Co. of Pennsylvania. The case was argued twice, in 1807 and 1808, before the High Court of Errors and Appeals of Pennsylvania, and Judge Cooper's Opinion is discussed in Calhoun v. The Insurance Co. of Pennsylvania (1 Binney 293). See also Maryland Insurance Co. v. Woods and Cranach, 29. Chief Justice Marshall rendered the opinion."

† *Writings of James Madison*, Vol. IX, p. 139.

‡ *Law Miscellanies, &c.*, Hugh Henry Brackenridge, Philadelphia, 1814. p. 548; p. 525, foot note.