

**AN EULOGIUM UPON THE  
HON. WILLIAM TILGHMAN,  
LATE CHIEF JUSTICE OF  
PENNSYLVANIA**

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An Eulogium Upon the Hon. William Tilghman, Late Chief Justice of Pennsylvania by Horace Binney

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**HORACE BINNEY**

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✓ **EULOGIUM**

UPON THE

**HON. WILLIAM TILGHMAN,**

LATE CHIEF JUSTICE OF PENNSYLVANIA.

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BY

**HORACE BINNEY.**

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**PHILADELPHIA:**

**PHILIP H. NICKLIN, LAW-BOOKSELLER.**

**WIFFLIN AND PARRY, PRINTERS.**

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1827.

*Philadelphia, July 7, 1827.*

DEAR SIR,

Immediately after the death of Chief Justice Tilghman, the Members of the Bar expressed a wish that an Eulogium should be pronounced upon his character; and having passed a Resolution to that effect, they appointed a Committee to make the necessary arrangements. We now request that you will suffer us to impose the duty upon you; feeling as we sincerely do, that we shall thus gratify the anxious desire of our professional brethren, and that justice will be fully done to the merits of the deceased.

With great esteem and respect, your friends and obedient servants,

CHARLES CHAUNCEY.  
JOSEPH R. INGERSOLL.  
JOHN M. SCOTT.

HORACE BINNEY, Esq.

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*Philadelphia, July 9, 1827.*

GENTLEMEN,

I am extremely sensible of the honour which you have done to me, by the request communicated in your note of the 7th instant. My inability to do justice to the eminent person referred to, ought I fear to deter me from attempting to pourtray his character; but my deep veneration for the virtues and learning of Chief Justice Tilghman, will not permit me, under any sense of my own defects, to question the wishes of my brethren of the Bar.

I am, very faithfully, your friend and servant,

HORACE BINNEY.

CH. CHAUNCEY, }  
J. R. INGERSOLL, } Esquires.  
JOHN M. SCOTT. }

At a meeting of the Bar of Philadelphia, held at the Hall of the Circuit Court of the United States, on the 13th day of October, 1827, WILLIAM RAWLE, Esq. *Chairman*, JOHN SERGEANT, *Secretary*,

The following Resolution was unanimously adopted:

*Resolved*, That the thanks of the Bar be offered to Mr. Binney for his discourse pronounced this day, equally worthy of the profession, the subject, and the speaker; and that he be requested to furnish a copy for publication.

W. RAWLE, *Chairman*.

Attest,

JOHN SERGEANT, *Secretary*.

## EULOGIUM.

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GENTLEMEN OF THE BAR OF PHILADELPHIA :

IF the reputation of the living were the only source from which the honour of our race is derived, the death of an eminent man would be a subject of immitigable grief. It is the lot of few to attain great distinction, before Death has placed them above the distorting medium, through which men are seen by their cotemporaries. It is the lot of still fewer, to attain it by qualities which exalt the character of our species. Envy denies the capacity of some, slander stigmatizes the principles of others, fashion gives an occasional currency to false pretensions, and the men by whom the age is hereafter to be known, are often too much in advance of it to be discernible by the common eye. All these causes combine to reduce the stock of living reputation, as much below the real merits of the age, as it is below the proper dignity of man ; and he who should wish to elevate his spirit by great examples of wisdom, of genius, and of patriotism, if he could not derive them from the illustrious dead, would have better



reason than the son of Philip, to weep at the limits which confined him. To part with the great and good from a world which thus wants them, and not to receive thereafter the refreshing influence of their purified and exalted fame, would be to make Death almost the master of our virtue, as he appears to be of our perishable bodies.

The living and the dead are, however, but one family, and the moral and intellectual affluence of those who have gone before, remains to enrich their posterity. The great fountain of human character lies beyond the confines of life, where the passions cannot invade it. It is in that region, that among innumerable proofs of man's nothingness, are preserved the records of his immortal descent and destiny. It is there that the spirits of all ages, after their sun is set, are gathered into one firmament, to shed their unquenchable lights upon us. It is in the great assembly of the dead, that the Philosopher and the Patriot, who have passed from life, complete their benefaction to mankind, by becoming imperishable examples of virtue.

Beyond the circle of those private affections which cannot choose but shrink from the inroads of Death, there is no grief then for the departure of the eminently good and wise. No tears but those of gratitude should fall into the graves of such as are gathered in honour to their forefathers. By their now unenvied virtues and talents, they have become a new

possession to their posterity, and when we commemorate them, and pay the debt which is their due, we increase and confirm our own inheritance.

We are assembled, my brethren, to pay a part of this debt to one, to whom we shall be greatly in arrears, after we have exhausted all our terms of respect and endearment. We come to honour one who, during a long life, was an honour to his profession and his country. We come to lay claim to his reputation as part of our own, and as an accession to that invaluable estate, which is to pass from generation to generation of this commonwealth, to all future time. It is in obedience to your call, that I shall endeavour to show the value of this claim, by a sketch of the life and character of the late Chief Justice Tilghman.

WILLIAM TILGHMAN was born on the 12th of August, 1756, upon the estate of his father, in Talbot county, on the Eastern Shore of Maryland, about a mile from the town of Easton.

His paternal great grand-father, Richard Tilghman, emigrated to that Province, from Kent county, in England, about the year 1662, and settled on Chester river in Queen Anne's county.

His father James Tilghman, a distinguished lawyer, is well known to the profession in Pennsylvania, as Secretary of the Proprietary Land-Office, and as having brought that department, by the accuracy of his mind and the steadiness of his purpose, into a

system as much remarked for order and equity, as from its early defects it threatened to be otherwise.

His maternal grandfather was Tench Francis the elder, of this City, one of the most eminent lawyers of the Province, the brother of Richard Francis, author of "Maxims of Equity," and of Dr. Philip Francis, the translator of Horace.

It is not surprising to find among the collateral ancestors of the late Chief Justice, the author of one of the earliest compends of scientific Equity, and a scholar accomplished in the literature of the age of Augustus.

In 1762, his family removed from Maryland to Philadelphia.

In the succeeding year he was placed at the Academy, and in the regular progress of the classes came under the instruction of Mr. Beveridge, from whom he received his foundation in Latin and Greek.

Upon the death of Beveridge, his place was filled provisionally by Mr. Wallis, who was perfectly skilled in the prosody of those languages, and who imparted to his pupils an accuracy, of which the Chief Justice was a striking example.

Dr. Davidson, the author of the grammar, succeeded Beveridge, and with him the subject of this discourse remained, till he entered the College in the year 1769, Dr. Smith being then the Provost, and Dr. Francis Allison the Vice-Provost, the latter of whom instructed the students in the higher Greek and Latin classics; and such was the devotion to