

**MEMORIAL OF
OSCAR
LOVELL SHAFTER**

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Memorial of Oscar Lovell Shafter by Various

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VARIOUS

**MEMORIAL OF
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LOVELL SHAFTER**

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OF

OSCAR LOVELL SHAFTER,

Being Words Spoken at his Burial by Rev. Dr. Stebbins,
a Sermon Preached on the following Sunday by Rev.
Laurentine L. Hamilton, a Sketch of his Life and Character,
given before the Supreme Court of California,
by Hon. John W. Dwinelle,
And lines to his memory from the New York Evening Post.

SAN FRANCISCO:

1874.

18 Oct., 1893.

Gift of
Rev. John D. Wells (57)

OSCAR LOVELL SHAFER,

Late Associate Justice of the Supreme Court of the State of California, died in Florence, Italy, January 23d, 1873. The funeral took place at the First Congregational Church, Oakland, Cal., Sunday afternoon, March 24th, 1873.. The rear dais and the organ loft were beautifully decked with wreaths and festoons of green leaves, immortelles, camelias and white roses. Wreaths were laid on the cover of the casket, and at the head was a large cross, composed of camelias and evergreens. The pall-bearers were S. W. Sanderson, John Currey, A. L. Rhodes, Samuel Merritt, John W. Dwinelle, William T. Wallace, Joseph P. Hoge, J. D. Thornton, Edmond L. Goold, J. B. Crockett and Henry Durant. The services were conducted by Rev. L. Hamilton, of the Independent Presbyterian Church; Rev. H. J. McLean, of the First Congregational, assisting.

The following remarks were made by the Rev. Dr. Stebbins:

Events in the life of the individual man tend to conclusion while society moves on in perpetual process or endless chain. This journey over sea and land, taken up in fear and hope, attended by hovering anxieties of home and filial love, pursued and borne with womanly devotion wherever the Divine signals—in cloud by day and fire by night—directed the faithful footsteps, is ended. So the mariner, storm-tossed and weary, engulfed in many perils in many seas, emerges at length into calm and gentle days, happy winds woo his sails, he spies the eternal headlands that have quieted so many eyes, the good ship rides into port, "he casts the patient anchor, and furls the straightened sail in the haven of his heart."

Whether we consider life as a journey upon the land, with many devious delayings and disappointing passages, or as a stormy voyage upon the sea, there be many that are glad when they arrive at home. Religion surely makes no error when she adopts our deepest human satisfactions, carrying them forward to the future, making that a home. It was no error, but a firm insight and delicate imagination, that said, "I am a stranger on the earth." It is a truly human experience. To

the man worn by toil, burdened with grief, chastened by disappointment, to the man who has lived through this world, gained its meaning, got its leading idea and suggestion, this is not his abiding place. As early ideas of childhood no longer satisfy his mature intelligence, so a world whose import and significance he has caught and appropriated to the uses of moral being, must give way to the nobler ideas of an ever advancing experience. Whether, then, by the weariness of the body, its melted energies, like the rod that is melted by electric fire, or by the aspiring mind and soul, we do outgrow the world and have done with it. We are weary, and long for rest; we are travellers and wish for home. Death is blessing, peace, hope, life.

This was the experience of our friend and fellow-citizen, Judge Shafter. His physical frame had received an irreparable hurt and he could no longer grasp the isolated fact, and bind it in eternal fealty to its principle. The world was no longer useful. Affection might watch with tender fidelity, filial love and gratitude might still find comfort in the happy labors of self-forgetfulness, but life was done, the world was done, and death was the faithful friend to rescue him from the thrall of dissolved powers.

A grateful and appreciative estimate of him as a man, is not commensurate with his external history. An account of any man's circumstances would not be an account of him; for circumstances, powerful as they are, are not the chief element in his being. We cannot divest ourselves of the feeling that the real quality of a man is will, idea, thought, conviction. A man's life and character are in his mind. And the nobler a man is, the less consequence it is where he lived or where died. A universality above all local origin or event pertains to the essential quality of human nature.

God endowed Judge Shafter with a physical and intellectual constitution well fitted to strive with the powers of this world. Energy, endurance of labor, and a kind of mountainous good sense that sees men and things as they are and goes free of all affectation and cant, are the sure and trusty qualities of practical excellence and were eminent in him. He had a kind of human sagacity by which he knew man from any other animal. His judgment moved with ease and self-reliance amid a great variety of circumstances, from the measure of a tree in the forest, to the action of the hour in politics, or the providence of God in human life. He was long-headed. He did not affect

wisdom by much owlish silence, neither did he run to folly through talking over-much. He expressed his opinion with that easy firmness, without show of independence peculiar to feebler natures, but as one to the manor born and at home in the truth.

But these practical abilities—energy, good sense, round-aboutness, and integrity of nature—were by no means the measure of his endowments. His intellectual perceptions were clear, and in his statement of principles he could have had few superiors. He had that appreciation of the law of laws, the unity and generalization of truth, that gives moral dignity to the intellect and the perspective of moral grandeur to all principles, without which the mind itself becomes frivolous, a mere popinjay clatter of things unreal. When theories of deep human interest were touched, his mind kindled along its summits with fine enthusiasm of poetic feeling and insight. He did not belong to that class of minds always emphatic never forcible, neither to that other class, "small pot soon hot," whose enthusiasm is in the blood and not in the idea. His mind sometimes lay calm, silent, sullen as the summer sea, and rolled with sleepy strength, and in all the manifestations of his intellectual activity, there was something of that repose which is the measure of reserved power and the background of all greatness. He was a pleasant companion and a good talker. I have seen him very happy in the society of children, and touched with true feeling at little expressions of loveliness in the young.

I had the pleasure a few years ago to spend a day with him on the Point Reyes Rancho. I arrived on the ground in the morning, and found him sleeping beneath a little bower that he had made to protect him from the glare of day or the chill of night. I thought of Jonah who built a bower a little way out of the city of Nineveh, and lay there impatiently to see what would come to pass. But a better than Jonah was here. He awoke, gave me cordial greeting, generous as the morning. We shortly took to the saddles and spent the day in riding over the domain, wherever interest, curiosity or excitement led. He was full of vivacity, observation, reflection, feeling. The hills, the valleys, the running water, the shady glen, the wood-bird's note, all attracted his attention, awoke his sensibility. The men—all liked him, from the Spanish vaquero, that lingering remnant of a former civilization, to the American boy, taking his first lessons in throwing the stealthy riata. All liked him, yet none were familiar or frivolous

toward him. I got on that day the flavor of his mind and character. A man of great good sense, practical, yet with wide discourse of intelligence and reason; calm, unimpassioned, yet of fine sensibility and true poetic feeling, and his whole nature, by the eternal weight of moral gravity, swinging toward the truth. Thus I understood him.

His religious faith was simple and human. He arrived at his conviction of the character of God from the nature of man, and the experience of human life. He inferred that justice is God's justice, that mercy is God's mercy, that love is God's love; and that the expression of these in humanity is the expression of the divine. I think, in commending himself to the Almighty maker of men, he would, in the devout simplicity of his heart, have forgotten all the honors and respect he enjoyed from his fellow men, and thought only that he was a *man*. He would have said, with Martin Elginbrodde:

" Here lie I, Martin Elginbrodde;
Hae mercy o' my soul, Lord God
As I wad do, were I Lord God,
And ye were Martin Elginbrodde."

The body was taken to the Oakland cemetery and deposited in the family vault. Among those present, besides the relatives of the deceased, were a very large number of the San Francisco and Sacramento Bar.

MEMORIAL DISCOURSE

Delivered March 31, 1873, in the Independent Presbyterian Church, Oakland, by Rev. *Laurent*
Hamilton.

Micah VI, 8. He hath showed thee, O man, what is good; and what doth the Lord require of thee, but to do justly, and to love mercy, and to walk humbly with thy God.

Once in a decade or two of years, we see a life come to a close which has concentrated in itself the progressive thought and experience of the time. The great world-history going on without has its parallel in that which goes on in a single breast. The man measures the time. The features of its progress daguerreotype themselves essentially in his mind and heart. Beginning by force of circumstances in something that is crudest, he ends by force of inherent truthfulness and grasp of thought in that which is ripest. The brilliant but ephemeral blossoms of spring are soon cast; the more sober but more lasting beauty of summer follows; this changes again into the rich ripeness of autumn—then winter garners the whole growth of the seasons.

Such a life is a beacon of progress to common minds. If one falls under our observation, we slight God's good providence if we neglect to study it. We can see in it if we will, not only where we are, but where we shall be. It is a prophecy of what is coming. In it we see ruling tendencies reach their accomplishment. The forces that are moving in the great complex man we call society, run their course and come to their last result in this individual man. The average man of the future, when humanity has grown tall enough to see as broadly as he sees, will stand where he stood when we last beheld him. He throws light on the questions we debate most in our parlors and shops and lyceums. We see the decision of many of them reached in him, or at least the discussion carried so far as to point the way to their decision. We need not repeat the experiment he has made. We can foresee in him how it will result. The thought of men can step forward to an advanced position over the ground which he has conquered.

We should not be overhasty, indeed, in falling into the lead of great