

History of Perry County, In Pennsylvania, From The Earliest Settlement To The Present Time. By Silas Wright. Lancaster, Pa. Wylie & Griest, Printers, Book-binders and Stereotypers. 1873.

**Gibson, Hon. John Banister**, Chief Justice Supreme Court of Pennsylvania, was appointed to the Supreme Court, May 9th, 1853, thirty-five years ago. On the death of Chief Justice Tilghman, he became his successor, and presided over its deliberations more than twenty years, with honor to himself and to the country. So distinguished were his ability, learning and impartiality, that, after the adoption of the amended Constitution, in 1838, in times of the highest and bitterest party excitement, Governor Ritner, forgetting his personal and party feelings, and looking only to the qualifications necessary for that high office, reappointed him Chief Justice of this Commonwealth; an act honorable to both.

**Judge Gibson** lived to an advanced age; his knowledge increasing with increasing years, while his great intellect remained unimpaired. (An extract from the remarks of Thaddeus Stevens.) We cannot forbear giving in full the eulogium of Chief Justice Black upon the occasion that called forth the foregoing from Hon. Thaddeus Stevens. We commend it as a gem worthy to be read and re-read by every student and admirer of literature:

"It is unnecessary to say that every surviving member of the Court is deeply grieved by the death of **Chief Justice Gibson**. In the course of nature it was not to be expected that he could live much longer, for he had attained the ripe age of seventy six. But the blow, though not a sudden, was, nevertheless, a severe one.

"The intimate relations, personal and official, which we all bore to him, would have been sufficient to account for some emotion, even if he had been an ordinary man. But he was the Nestor of the bench, whose wisdom inspired the public mind with confidence in our decisions. By this bereavement the Court has lost what no time can repair; for we shall never look upon his like again.

"We regarded him more as a father than a brother. None of us ever saw a Supreme Court until he was in it; and to some of us his character as a great judge was familiar even in childhood. The earliest knowledge of the law we had was derived in part from his luminous expositions of it. He was a Judge of the Common Pleas before the youngest of us was born, and was a member of this Court long before the oldest was admitted to the bar. He sat here with twenty-six different associates, of whom eighteen preceded him to the grave. For nearly a quarter of a century he was Chief Justice, and when he was nominally superseded by another, as the head of the court, his great learning, venerable character, and overshadowing reputation, still made him the only Chief whom the hearts of the people would know. During the long period of his judicial labors he discussed and decided innumerable questions. His opinions are found in no less than seventy volumes of the regular reports from 2 Sergeant and Rawle to 7 Harris.

"At the time of his death he had been longer in office than any contemporary judge in the world; and in some points of character he had not his equal on the earth. Such vigor, clearness and precision of thought were never before united with the same felicity of diction. Brougham has sketched Lord Stowell justly enough as the greatest judicial writer that England could boast of, for force and beauty of style. He selects a sentence and calls on the reader to admire the

remarkable elegance of its structure. I believe that **Judge Gibson** never wrote an opinion in his life from which a passage might not be taken, stronger, as well as more graceful in its turn of expression, than this which is selected with so much care, by a most zealous friend, from all of Lord Stowell's. His written language was a transcript of his mind. It gave the world the very form and pressure of his thoughts. It was accurate, because he knew the exact boundaries of the principles he discussed. His mental vision took in the whole outline and all the details of the case, and with a bold and steady hand he painted what he saw. He made others understand him, because he understood himself.

'Cui lecta potenter erit res,  
Nee fecundia deseret hunc, neclucidus ordo,'

"His style was rich, but he never turned out of his way for figures of speech. He never sacrificed sense to sound, or preferred ornament to substance. If he reasoned much by comparison, it was not to make his composition brilliant, but clear. He spoke in metaphors often; not because they were sought, but because they came to his mind unbidden. The same vein of happy illustration ran through his conversation and his private letters. I was most of all struck with it in a careless memorandum intended, when it was written, for no eye but his own. He never thought of display, and seemed totally unconscious that he had the power to make any. His words were always precisely adapted to the subject. He said neither more nor less than just the thing he ought. He had one thought of a great poet—that of expressing a thought in language which could never afterward be paraphrased. When a legal principle passed through his hands he sent it forth clothed in a dress which fitted it so exactly that nobody ever presumed to give it any other. Almost universally the syllabus of his opinion is a sentence from itself; and the most heedless student, in looking over Wharton's Digest, can select the cases in which Gibson delivered the judgment, as readily as he would pick out gold coins from among coppers. For this reason it is that he was the least voluminous writer of the court; the citations from him at the bar are more numerous than from all the rest put together. Yet the men who shared with him the labors and responsibilities of this tribunal (of course I am not referring to any who are now here) stood among the foremost in the country for learning and ability. To be their equal was an honor which few could attain; to excel them was a most pre-eminent distinction.

"The dignity, richness and purity of his written opinions was by no means his highest title to admiration. The movements of his mind were as strong as they were graceful. His periods not only pleased the ear, but sunk into the mind. He never wearied the reader, but he always exhausted the subject. An opinion of his was an unbroken chain of logic from beginning to end. His argumentation was always characterized by great power, and sometimes it rose into irresistible energy, dashing opposition to pieces with force like that of a battering ram."

"He never missed the point even of a cause which had been badly argued. He separated the chaff from the wheat almost as soon as he got possession of it. The most complicated entanglement of fact and law would be reduced to harmony under his hands. His arrangement was so lucid, that the dullest mind could follow him with the intense pleasure which we all feel in being able to comprehend the workings of an intellect so manifestly superior. Yet he committed errors. It is wonderful in the course of his long service he did not commit more. A few were caused by inattention; a few by want of time; a few by preconceived notions which led him astray. When

he did throw himself into the wrong side of a cause, he usually made an argument which it was much easier to overrule than answer. With reference to his erroneous opinions, he might have used the words of Virgil, which he quoted so happily in *Eakin v. Raub* (12 Ser. and R.) for another purpose:

'Si Pergama dextra  
Defendi possent, etiam hac defensa fuissent.'

"But he was of all men the most devoted and earnest lover of truth for its own sake. When subsequent reflection convinced him that he had been wrong, he took the first opportunity to acknowledge it. He was often the earliest to discover his own mistakes, as well as the foremost to correct them.

"He was inflexibly honest. The judicial ermine was as unspotted when he laid it aside for the habiliments of the grave, as it was when he first assumed it. I do not mean to award him merely that commonplace integrity which it is no honor to have, but simply a disgrace to want. He was not only incorruptible, but scrupulously, delicately, conscientiously free from all willful wrong, either in thought, word or deed.

"Next, after his wonderful intellectual endowments, the benevolence of his heart was the most marked feature of his character. His was a most genial spirit; affectionate and kind to his friends, and magnanimous to his enemies. Benefits received by him were engraved on his memory as on a tablet of brass; injuries were written in sand. He never let the sun go down on his wrath. A little dash of bitterness in his nature would, perhaps, have given a more consistent tone to his character, and greater activity to his mind. He lacked the quality which Dr. Johnson admired. He was not a good hater.

"His accomplishments were very extraordinary. He was born a musician, and the natural talent was highly cultivated. He was a connoisseur in painting and sculpture. The whole round of English literature was familiar to him. He was at home among the ancient classics. He had a perfectly clear conception of all the great truths of natural science. He had studied medicine carefully in his youth and understood it well. His mind absorbed all kinds of knowledge with scarcely an effort.

"**Judge Gibson** was well appreciated by his fellow citizens; not so highly as he deserved, for that was scarcely possible. But admiration of his talents and respect for his honesty were universal sentiments. This was strikingly manifested when he was elected in 1851, notwithstanding his advanced age, without partisan connections, with no emphatic political standing, and without manners, habits or associations calculated to make him popular beyond the circles that knew him intimately. With all these disadvantages, it is said, he narrowly escaped what might have been a dangerous distinction—a nomination on both of the opposing tickets. Abroad he has, for very many years, been thought the great glory of his native State. Doubtless the whole Commonwealth will mourn his death; we all have good reasons to do so. The profession of the law has lost the ablest of its teachers, this Court the brightest of its ornaments, and the people a steadfast defender of their rights, so far as they were capable of being protected by judicial authority. For myself I know no form of words to express my deep sense of the loss we have

suffered. I can most truly say of him what was said long ago concerning one of the few mortals who were yet greater than he: I did love the man, and do honor his memory, on this side idolatry, as much as any."

As a token of respect for the deceased, Court adjourned its session.

**John Banister Gibson's** birth-place has been given in another place, and it yet remains for the public to be informed of his death, which occurred at the United States Hotel, at 2 o'clock, May 3, 1853, in the 73d year of his age. He was the son of **Col. George Gibson** of the Revolutionary war, who fell at St. Clair's defeat in 1791. He graduated at Dickinson College in 1800. He then studied law under Thomas Duncan, Esq. He was twice sent to the Legislature—in 1810 and 1811—giving his support to Gov. Snyder and President Madison. In 1818 he was elected to the Supreme bench. **Judge Gibson's** remains were taken to Carlisle for interment, on the 4th of May, 1853. Oil portraits of **Judge Gibson** and **Col. George Gibson** are still retained in the old "**Gibson** house" in Spring Township, Perry County, Pennsylvania.

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