

ACTION OF THE COUNCIL ON THE DEATH OF HON. DWIGHT FOSTER.

At a special meeting of the Council, April 21, 1884, called to take action on the death of Hon. DWIGHT FOSTER, President SALISBURY offered the following memorial:—

Once more the American Antiquarian Society has been called to share with the citizens of our State in the solemn lesson that this earth is not the continuing city, and that it may not be the best working place for the ablest and most valued men. Our associate in this Society and at this board, Hon. Dwight Foster, LL.D., of Boston, died unexpectedly at his home, on the night of April 18th, 1884, at the age of fifty-five years, four months and five days. Some months ago he had an attack of alarming disease from which he was partially relieved, and was able with caution to attend legal business, and there was a hope of a continuance of comfortable and useful life. To give permanent expression to some of the sentiments that we entertain in regard to this public loss and private sorrow, we adopt for record these resolutions:

Resolved, that the life of Judge Foster was an honor to his time and a worthy example. With a clear and watchful apprehension of political affairs, he did not go among the people to seek office or favor, but when appointed he performed legislative and other public duties with earnestness and effect. His favorite and most valuable work was connected with equity and law. He was successively judge of probate, attorney-general and one of the justices of the supreme judicial court of Massachusetts. In the last office he was eminent among distinguished associates, and his resignation called forth strong expressions of regret from the profession and from citizens. In the attention that is now devoted to heredity, it will be noticed the great-grandfather and the grandfather of our associate, Hon. Jedediah

Foster and Hon. Dwight Foster, were judges and respected legal authorities in their time, and his father, Hon. Alfred Dwight Foster, was a well-read lawyer, though he did not practice. The last Judge Foster seems to have had a liveliness of mind for which his fathers were not so distinguished. After his resignation of the office of judge his legal practice was not so much in the arena of courts as in chamber counsel, a department of practice in which, in large cities, the ablest lawyers have done much to diminish litigation and promote peace and equity. In this business Judge Foster had a large and profitable clientage, with great responsibility and often with exhaustive, though satisfactory labor. From these congenial occupations and happy circumstances in life our friend has had a blessed removal, in the maturity of his powers and attainments, before a delusive experience of protracted age.

Resolved, that the death of Judge Foster has removed from this Society one of its most valuable and most honored members, and this Council is deprived of wise aid, a generous example, and genial companionship in the performance of its duties. The memory of personal friendship in some members of this Council cannot be disregarded, and cannot be officially expressed. His varied benefits to the Society need not be described now. The most interesting and important of them was left nearly or entirely completed by him. It is the legal Note Book of Thomas Lechford, the first lawyer in Boston, existing in obscure manuscript, which Judge Foster and his son, Alfred D. Foster, Esq., generously undertook to put in plain English and print as a gift to this Society, and Judge Foster would add an elucidation of practice and principles, which would give it greater attraction and value.

Resolved, that the Council will attend the funeral of Judge Foster, and members of the Society are invited to join in this testimony of honor and affection.

Resolved, that a copy of this memorial shall be presented by the Recording Secretary to the family of Judge Foster, with the assurance of our respect and sympathy.

The memorial and resolutions were unanimously adopted.

SAMUEL S. GREEN,

Recording Secretary pro tempore.

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