

erly by the north and south boundaries of the State. By the act erecting the county, it was provided that a court of common pleas and general sessions should be held in the county twice in each year, and at the Church in Herkimer, until other legislative provisions should be made concerning the matter. Another provision of this act seems, to the observer of the present day, very remarkable, and shows, as strikingly as any other fact, the rapidity with which our country has sprung from its first beginnings to its present condition. It was enacted, that it should not be the duty of the Justices of the Supreme Court to hold a Circuit Court once in each year, in either of the three new counties then formed, unless in their judgment they should deem it proper and necessary. No court in a territory now constituting the greater portion of four judicial circuits, and furnishing sufficient business for sixty circuit courts in each year, besides nearly one hundred and twenty terms of courts of common pleas, and sixteen of the court of chancery!

"In organizing the court of common pleas for Herkimer county, Colonel Staring was appointed its first Judge. It is not supposed, nor pretended, that any peculiar qualifications or fitness for the office recommended him for the appointment. His honest and strong, but uncultivated mind, had never been schooled to threading the mazes of legal science; and, indeed, he had enjoyed few of even the most common advantages of education. But he possessed the confidence of his fellow-citizens for his sterling integrity, strong common sense, and tried and approved patriotism; and these qualifications were regarded by George Clinton, then Governor of the State, as sufficient to warrant his appointment to the office; and in forming our opinion of the appointment, we should take into consideration the fact, that at that period in the history of this State there was scarcely to be found a court of common pleas which could boast a lawyer in its catalogue of judges. The judges of these tribunals were, almost without exception, taken from the respectable farmers and mechanics of the land, and were men who made no pretensions to a knowledge of the artificial rules which go to make up what we professional gentlemen are wont to call the perfection of reason; but who decided the question coming before them by the plain principles of common sense, and their own views of right and wrong. And it is no disparagement to the fair fame of the courts of common pleas of that day to assert, that that in which Judge Staring presided was in no respect inferior to its sister tribunals. And I have the authority of a lawyer once holding a distinguished rank at the bar of this State, and whose partialities, all who remember him will bear me witness, betrayed, at least,