

York, was the great libel case of James Fenimore Cooper against William L. Stone, in which he defended Mr. Stone, then the editor of the *Commercial Advertiser*.

Mr. Cooper argued his own cause with the greatest ability and eloquence, as he was by nature gifted with wonderful powers of oratory, and was as logical as he was brilliant; and had made himself a most thorough master of the law of libel.

Stone's libel was so gross that Mr. Bidwell, fearing to go before a jury, raised the question of its being a privileged publication—the only possible defence—by a demurrer, thus bringing the question directly before the court—the first time such a course had ever been adopted in the annals of jurisprudence. I have been told at different times by two of the most eminent jurists that this state has known,* both of whom heard both arguments, that never in their whole experience had any case been so eloquently, thoroughly, and exhaustively laid before a court as that was by these two distinguished men. Mr. Bidwell however failed to succeed, the court deciding in Mr. Cooper's favor that the articles were *not privileged*, the decision closing with these remarkable words: "It is difficult to read the articles as set forth in the counts without seeing at once that they are direct and undisguised attacks upon the moral character of the plaintiff by name." †

This case drew public attention to Mr. Bidwell at once, and from that time his legal career was one continued success. He was engaged in most of the great civil cases of the day from that time onward.

Mr. Bidwell was deeply read in every department of law, constitutional, commercial, real property, and equity. Perhaps he had bestowed most attention upon the law of real estate, of trusts, and upon the construction of wills, and felt himself more fully at home in their discussion.

Mr. Bidwell took a warm and lively interest in the New York Historical Society, and for many years served as a member of its Executive Committee. He was instrumental in procuring valuable additions to its collections, especially of portraits for its Gallery of Art.

There were two points in his character of especial prominence; the first was his extraordinary amiability and equanimity of temper. One of the members of his firm testifies without hesitation, that during a daily intercourse of a little more than thirty-four years spent amid the care, worry, and annoyance of active practice, he never heard from him one syllable of petulance, impatience or irritability.

The other, was the keen enjoyment he took in following a legal principle up to its remotest sources. He has often said "that he found far more entertainment in tracing some legal point through the reports of the seventeenth century and still earlier than in reading the best novel ever written."

* The Hon. Samuel Stevens of Albany, and Judge Samuel A. Foot of the Court of Appeals.

† Associated as junior counsel with Bidwell in this case was the late Charles P. Kirkland of New York City, then of Utica, who also personally confirmed to me the testimony of the two distinguished jurists, to which reference has been made.