

MEMORANDA.

THE BAR OF THE SUPREME COURT OF THE UNITED STATES met in the court-room, in the Capitol, Washington, on Monday, December 17th, 1883, at 11 o'clock A.M., to pay respect to the memory of the late JEREMIAH S. BLACK.

On motion, MR. GEORGE F. EDMUNDS was elected chairman, and JAMES H. MCKENNEY, secretary.

On motion of Mr. RICHARD T. MERRICK, the following named gentlemen were appointed by the chair to constitute a committee on resolutions: MR. RICHARD T. MERRICK, MR. THOMAS F. BAYARD, MR. PHILIP PHILLIPS, MR. J. RANDOLPH TUCKER, MR. GEORGE W. BIDDLE, MR. Z. B. VANCE, MR. J. HUBLEY ASHTON, MR. WILLIAM A. WALLACE, MR. WALTER H. SMITH.

The meeting then adjourned until Friday, December 21st, inst., at 12 M., to await the report of the committee.

On reassembling on Friday, December 21st, the committee, through Mr. MERRICK, reported the following resolutions for adoption:

Resolved, That the members of the Bar of the Supreme Court of the United States have received with a sense of profound regret the intelligence of the death of JEREMIAH S. BLACK, of the State of Pennsylvania, once Chief Justice of the Supreme Court of that State, Attorney-General and Secretary of State of the United States, and eminently distinguished as a practitioner at this bar and as a jurist of unsurpassed ability.

Resolved, That the memory of the deceased deserves to be cherished with the utmost veneration by the members of this bar, as that of a lawyer profoundly versed in the science of the law and worthy to be ranked with the greatest and ablest of our age and country; a statesman illustrious for his public services, a ready scholar, a vigorous writer, unexcelled as a logician, and in all the relations of life an eminent and most worthy citizen.

Resolved, That the Attorney-General of the United States be requested to communicate these resolutions to the Court, with the request that they be entered on its records.

Resolved, That these resolutions be also communicated to the family of the deceased, with the expression of the sympathy and condolence of the members of this bar.

The resolutions were unanimously adopted.

On Monday, January 7th, 1884, the ATTORNEY-GENERAL presented the resolutions to the court, and asked that they be entered on its minutes. After reading the resolutions, the ATTORNEY-GENERAL said :

I am instructed that on an occasion like this it is customary to make some few remarks. I am prompted not only by reason of the duty imposed upon me and the custom of the occasion, but by the sincere respect I have always felt towards this gentleman. More than thirty years ago the Constitution of Pennsylvania was changed, and the old bench of the Supreme Court passed away and new men were chosen by popular vote. At that time Judge BLACK was one of the newly elected judges, and became Chief Justice of the Court. It was then I first made his acquaintance. It was my good fortune to enjoy a comfortable practice at the bar of that Court, and that led to a social intimacy between us which was never broken from that time down to the day of his death.

I passed many happy moments with him : long and pleasant walks and talks we had together in years gone by. I am, and ever have been, proud of the friendship he bestowed upon me. When I came here to hold the office I now occupy he was among the first to greet me. Frequently during the past two years we spent many cheerful hours together. Within a short time before his death we had a long, warm, and earnest interview. He parted from me with words of tenderness and affection. I can almost hear him now as he left me.

But those days have gone and he has gone.

“ Eheu ! fugaces, Postume, Postume,
Labuntur anni ; nec pietas moram
Rugis, et instanti senectae
Afferet, indomitaque Morti.”

It is the recollection of all these years of pleasant intercourse that prompts me now to speak as I do of him ; confining myself more to my personal knowledge of him than to a recital of the history of his great career, or a description of the grand qualities he possessed. Why should I speak of them ? All men know them. They are a part of the common history of the bar of this country — of the country itself. The resolutions that I have read, that speak and testify for the bar of this Court, set forth in full and strong terms the just description of his high characteristics.

He was a remarkable man ; he was a wonderful man ; he had great gifts : and all who enjoyed the benefit of personal intercourse with him felt the force of his presence. I can see him now, as we all knew him, with his square, masculine person. I shall say of him now what I have said to him, that he reminded me of that remarkable character described by Charles Lamb in his quaint and beautiful essay upon the Old Benchers of the Inner Temple, when

he spoke of Thomas Coventry. He said: "His step was massy and elephantine; his gait was peremptory and path-keeping."

How often has he stood before this Court when he had risen to the very pinnacle of professional honor!—passing, as he did, from one point of promotion to another—how often has he stood before this Court displaying those wonderful qualities, those marvellous qualities of advocacy! He was the very king of disputants! His words were as pure and weighty as gold, and as glittering as steel. No wretched fallacy stood in his path that he did not pursue it with merciless energy, until it was slaughtered at his feet.

He was a scholar; he was a lawyer; he was a statesman; he was a noble-hearted, just man.

"Justum et tenacem propositi virum,
Non civium ardor prava jubentium,
Non vultus instantis tyranni
Mente quatit solida, neque Auster."

But he has passed away! And yet his labors will not be forgotten. They will be remembered for years and years to come. The work that he left behind him was greater than he was himself. And so it is, the work of great thinkers and great actors remains long after their names sometimes have perished from the recollection of men. Southey, in his "Doctor," says this: "That when Wilkie was in Spain, and in the Escorial, followed by an old Jeronomite monk, he wandered through the galleries of that huge palace, looking at its great works of art. Presently they stood before a large picture of the "Last Supper," hanging in the refectory. The monk said to him, as Wilkie gazed at it: "And so you look at that with admiration. So do I—admiration mingled with other feelings. When I entered here, a young man, there hung that picture. All those who were in the monastery with me at that time have passed away, and so have nearly all those who came after me, and here I remain, and here is that picture, and I look at the figures in it and remember those that have been with me, likewise looking at it, and I am sometimes tempted to think that we are but the shadows, and that picture is the reality."

So it is with all the works of genius of all the great thinkers and the great workers of this world. Their works remain and they pass away, until like the Jeronomite we are tempted to say: The works are the realities, the men were but the shadows.

And thus it is he has passed away, shadow-like passed away, but leaving his great works behind him—his deeds of forensic force and power, done in this great tribunal, in the cause of law and public order, and the cause of humanity and public duty.

I could go on in this way, tempted by the melancholy and yet not unpleasant sadness of my subject to wander off until I should be involved in the deep shadows of such thoughts; but I must remember where I am, and what I have to do, and so end these few words of reflection and honest admiration for a grand man and a dear friend; and I could do it in no better way than by advertising to a sentiment expressed by a great judge, in a great case, that touches this thought of mortality—that mortality which, having come to him, we now meet to deplore, while we praise him—that mortality that sooner or later must come to all of us.

In the trial of the great contest about the Earldom of Oxford, in the time of Charles the First, it is reported in the books that Lord Chief Justice Crew delivered an opinion. I shall here recall a passage in his eloquent exordium, that will apply to my present purpose. Speaking of the Earl of Oxford, he says :

“I heard a great Peer of this Realm, and a Learned say, when he lived, there was no King in Christendom had such a Subject as Oxford. * * *

“I have labored to make a Covenant with myself, that Affection may not press upon Judgment ; for I suppose there is no man that hath any apprehension of Gentry or Nobleness, but his Affection stands to the continuance of so noble a Name and House, and would take hold of a twig or twine-thread to uphold it. And yet time hath his revolution, there must be a period and an end of all temporal things, *Finis rerum*, an end of Names and Dignities, and whatsoever is *terrene*,—and why not of De Vere ?

“For where is Bohun ? Where’s Mowbray ? Where’s Mortimer ? Nay, which is more and most of all, where is Plantaganet ! They are entombed in the Urnes and Sepulchres of mortality.”

So may we now all say : Where are all these great worthies that have stood here before this Court, benefiting their country, honoring their profession, and helping their race ? Where are they ? Where we will soon be, entombed in the urns and sepulchres of mortality !

Mr. Chief Justice WAITE said :

The high position which Mr. BLACK had at the bar and in the administration of public affairs, his varied attainments and great ability, and his official connection at times with the Court—once as Attorney-General of the United States, and again as Reporter of the Decisions of the Court—make it eminently proper that the request of the bar should be granted. Their resolutions, therefore, and your remarks, Mr. Attorney-General, in presenting them, may be entered on the minutes.

JOHN WILLIAM WALLACE.

In memory of the late JOHN WILLIAM WALLACE, LL.D., who was for thirteen years the reporter of the decisions of this Court, these lines are added. Born in Philadelphia in 1815, a graduate of the University of Pennsylvania in 1833, and admitted to the bar in 1836, he was from childhood within that circle of Philadelphia lawyers, of whom Chauncey, Sergeant and Binney (the brother of Mr. Wallace’s mother), were among the foremost. It thus happened that he grew up among legal traditions, instincts and modes of thought, and although his tastes inclined him rather to the studies of the closet than the contests of the forum—tastes which his ample means enabled him to gratify—yet through all his life, from first to last, he was a worker—not a dilettante legal trifler, but an earnest, accomplished and useful worker. In 1842 he edited *Jebb’s British Crown Cases Reserved*. In 1844 he was appointed standing Master in Chancery of the Supreme Court of Pennsylvania, and in 1849 began the publication of the reports of the Circuit Court of the United States in the third circuit, known as *Wallace Junior’s Reports*.

In 1841 he had become the treasurer and librarian of the Law Association of Philadelphia, whose law library is the oldest and one of the best in America. It thus became his duty to inform himself of the comparative merits of the reports from the Year Books down, lest, as he tells us, "an extravagant price might be paid for volumes which were 'now scarce only because they had been always worthless.'" And, "thus noting what memory or reading happened to supply," the result was a modest volume of a hundred pages, now known in all the English-speaking legal world, "The Reporters." The knowledge and love of the subject shown in it, the appreciativeness, the sound criticism and the occasional quiet humor, soon made the little book a favorite, and its fourth edition, ably edited by another hand, appeared in 1882.

In 1863 Mr. Wallace was appointed the reporter of the decisions of this Court, and between that time and his resignation in 1876, twenty-three volumes of reports were published. To this work he gave unremitting attention, undisturbed by social or other attractions. The gravity of the questions which were then coming before the Court cannot be overestimated, and the complications of the civil war gave to many of them a novelty unknown since the days of the Berlin and Milan decrees. Questions of commercial law, of prize law, of inter-state law, of constitutional law, of international law—some of them questions as much perhaps of statesmanship as of strict law—were added to the already heavy business of the Court, and came before it in rapid succession. To report these fully, yet succinctly, required exceptional qualities, and it is believed that the profession appreciates the fullness, point and accuracy with which in Mr. Wallace's reports, the statement of the case and the arguments of counsel are presented and lead up to the opinion of the Court. At the last, years of work began to tell upon him, and in 1876 he resigned his position.

Apart from the duty he paid to his profession, his services as president of the Historical Society of Pennsylvania from 1868 until his death, were constant and valuable, and did much to place it in its present high position. In politics he was a Federalist, in religion a churchman of the Episcopal faith.

Mr. Wallace possessed a peculiar and charming cultivation; his acquaintance with history, biography, belles-lettres and art was varied and exact, his conversation most attractive, and his old-time, courtly manner, whether to the young or the old, brought pleasure to both. Last and best, he was an upright, honored and honorable man, and in public and private bore himself throughout as became an American gentleman.

