

APPENDIX.

In Memoriam.

NOAH HAYNES SWAYNE, LL.D.

DIED JUNE 8, 1884.

MR. JUSTICE SWAYNE was born in Culpepper County, Virginia, on the 8th of December, 1804. He was educated at a private academy at Warrenton, Virginia. When a lad of fifteen he commenced the study of medicine; but he soon abandoned it, and entered the office of Messrs. John Scott and Francis P. Brooks of Warrenton, as a student of law. He was admitted to the bar in Virginia in 1823, and at once removed to the State of Ohio. He resided at Zanesville for a year, and in 1825 went to Coshocton, and began practice there.

In the first year of his residence there he was appointed the prosecuting attorney for the county. Three years later he became a member of the Legislature of Ohio. In 1830, he was appointed as District Attorney of the United States for the District of Ohio. This post he held for ten years. Later he was at one time one of three commissioners charged with the management of the State Debt, with a view to the restoration of the failing credit of the State; at another, a member of a commission for the settlement of the disputed boundary-line between Ohio and Michigan; and again a member of a committee for inquiry into the condition of the blind. During all this time his practice at the bar was large.

On the 24th of January, 1862, he received from President Lincoln a commission as Justice of the Supreme Court of the United States, in the place of Mr. Justice McLean, deceased. He took the oath of office in open court on the 24th of January, 1862, and continued to perform its duties until January, 1881,

when he resigned. His work as a judge will be found reported from 1 Black to 102 U. S.; 37 volumes, covering a period of nineteen years.

In 1832, he was married to Miss Sarah Anne Swayne of Harper's Ferry, Virginia. After his retirement from the bench he and Mrs. Swayne continued to reside in Washington, until her death, which took place in about a year thereafter. Then he removed to New York, where he died on the 8th day of June, 1884. He was buried in Oak Grove Cemetery, in Washington.

On his retirement from the bench, the bar of the Supreme Court, at a meeting which is reported in 103 U. S., *Resolved*: "that at the conclusion of his long and honorable career, the bar deem it alike their duty and their privilege to express their sentiments of sincere respect for MR. JUSTICE SWAYNE, which have been inspired by the large capacity, the full and accurate learning, the patient and persistent investigation, the anxious desire to do justice, the genial and benevolent courtesy he has uniformly accorded to members of the bar." This resolution was presented to the court by Mr. Attorney General Devens, in a speech likewise reported in 103 U. S. In his reply to this speech, THE CHIEF JUSTICE, after a just allusion to the magnitude of the work of the court during the period of MR. JUSTICE SWAYNE's service, added: "His courtesy of manner on and off the bench will never be forgotten; and he carries with him, as he leaves the court, the esteem of every one of his associates. It has been his good fortune to be not only a student of the law but of general literature as well. He has always been a welcome guest wherever he has gone, and we hope he may live long to enjoy the reputation he has won, the society of his friends, and the pleasure of his books."

MR. JUSTICE SWAYNE left five children: four sons, three of whom are lawyers, and one married daughter.

In Memoriam.

WARD HUNT, LL.D.

DIED MARCH 24, 1886.

MR. JUSTICE HUNT was born in Utica, Oneida County, New York, on the 14th of June, 1810. After studying for a while at Hamilton College, he entered Union College at the age of seventeen, and graduated thence in 1828. After attending the lectures of Judge Gould at his law school in Litchfield, Connecticut, Mr. HUNT read law in the office of Hiram Denio, Esq., at Utica, with whom he became associated in business after his admission to practice. In 1838 he was chosen as a representative of Oneida County in the Assembly of the State of New York. In 1844 he was elected Mayor of Utica. In 1865 he was elected a Judge of the Court of Appeals of New York, on the retirement of his early associate in business, Judge Denio; and by the death of Judge Wright and the resignation of Judge Porter, he soon became the Chief Judge of that court. On the reconstruction of that court under the amendments to the State Constitution, he became a Commissioner of Appeals. On the 11th day of December, 1872, on the retirement of MR. JUSTICE NELSON, he was commissioned by President Grant as an Associate Justice of the Supreme Court of the United States, and on the 9th of January, 1873, he took the oath of office in open court. His first opinion is found in 15 Wall. 355, *Grand Chute v. Winegar*; his last, in *Little Rock v. National Bank*, 98 U. S. 308. Early in January, 1878, he became disabled, and after that time never sat upon the bench again.

On the 27th of January, 1882, the President approved an

act of Congress extending to MR. JUSTICE HUNT the provisions of Section 714 of the Revised Statutes, authorizing a retirement upon full pension; and on the same day he resigned and his successor was appointed. After that date he continued to spend his winters in Washington, and died there on the 24th of March, 1886. His remains were taken to Utica for interment.

MR. JUSTICE HUNT married for his first wife a daughter of Chief Justice Savage, by whom he left two children, a son bearing his name and following his profession, and a married daughter, surviving. In 1853 he married for his second wife a daughter of James Taylor, Esq., of Albany, who survives him.

When he retired from the bench his associates addressed to him a letter, printed in 105 U. S., from which the following is an extract: "We have none of us forgotten how faithfully you labored, while health permitted, to perform your full share of the work that was constantly pressing upon us, and we cannot but feel that if you had been more careful of your strength, and less determined to do all of what you conceived to be your duty, the necessity for this separation would not have existed. Your absence from the bench has not taken from us the recollection of your conscientious service while there, nor of your uniform kindness and courtesy everywhere and on all occasions."

In Memoriam.

DAVID DAVIS, LL.D.

DIED JUNE 26, 1886.

MR. JUSTICE DAVIS was born in Cecil County, Maryland, on the 9th day of March, 1815. He was fitted for college at an academy in Newark, Delaware, and was graduated from Kenyon College, in Ohio, in 1832. He read law in the office of Henry W. Bishop, Esq., in Lenox, Massachusetts, and then attended lectures in the Law School of Yale College. Having been admitted to practice, he opened an office for practice first at Pekin, in Illinois; but he soon removed to Bloomington, in that State, which he made his home for the residue of his life. In 1842 he was elected to the Senate of the State of Illinois. In 1847 he was a member of the Convention for reforming the Constitution of the State. In 1848, after the adoption of the new Constitution, he was chosen to be one of the nine Circuit Judges which it provided for. He was re-elected in 1855, and again in 1861, each time without opposition. On the 9th day of December, 1862, he was appointed by President Lincoln to be an Associate Justice of the Supreme Court of the United States, to fill one of the then existing vacancies, and took the oath of office in open court on the 10th day of December, 1862. Having been chosen by the Legislature of Illinois to be one of the Senators in Congress from that State, he resigned his seat upon the bench, and represented Illinois in the Senate for the six years commencing on the 4th day of March, 1877. In 1883 he retired to private life, and died at Bloomington on the 26th day of June, 1886.

MR. JUSTICE DAVIS was twice married: first, in 1838, at

Lenox, Massachusetts, to Miss Sarah W. Walker, by whom he left two children, a son and a married daughter, surviving him ; and secondly, on the 14th March, 1883, at Tokay, near Fayetteville, North Carolina, to Miss Adeline E. Burr, of North Carolina, who survives him.

When MR. JUSTICE DAVIS retired from the bench his associates addressed him a letter, in which they said : " During the fifteen years in which you have been a member of this court, questions of the gravest character have come before it for adjudication, and you have borne your full share of the labor and responsibility which their decision involved. We shall miss in the conference-room your wise judgment and your just appreciation of facts ; in the reception-room your kind and courteous greeting."

The bar, at a meeting called for the purpose of expressing their regret at his retirement, *Resolved* : " That they desire to record their high sense of the learning, the ability, the love of justice, and the fearless independence which that eminent magistrate brought to the discharge of his official duties, and their grateful appreciation of the courtesy which he habitually extended to them." These resolutions were communicated to the court by the Attorney General. An account of the proceedings is printed in 94 U. S.

MR. JUSTICE DAVIS's first opinion is to be found in *Chicago v. Robbins*, 2 Black, 418. His last judicial work is in 94 U. S.

In Memoriam.

CHESTER ALAN ARTHUR, LL.D.

DIED NOVEMBER 18, 1886.

SUPREME COURT OF THE UNITED STATES,

OCTOBER TERM, 1886.

FRIDAY, *November 19, 1886.*

MR. ATTORNEY GENERAL addressed the court as follows :

The President of the United States has by official proclamation announced to the country the sad intelligence of the death of Ex-President Chester A. Arthur, and pursuant to that proclamation the executive branches of the government will be closed on the day of the funeral, Monday next, the 22d inst.; and in my official capacity as Attorney General, I make this announcement that the court may pay a fitting tribute of respect to this eminent citizen, and I therefore suggest to the court the propriety of now adjourning until Tuesday next.

THE CHIEF JUSTICE replied as follows :

The court receives with sorrow the sad intelligence, and in compliance with your suggestion will now adjourn until Tuesday next, at 12 o'clock.

