APPENDIX.

CENTENNIAL CELEBRATION

OF THE

ORGANIZATION OF THE FEDERAL JUDICIARY,

HELD AT NEW YORK, FEBRUARY 4, 1890.

THE first Monday of February, 1790, fixed by the Judiciary Act of 1789 as the day for opening the first term of the Supreme Court of the United States, fell upon the first day of that month. When the judges met in the room which had been assigned to the court in the Royal Exchange, at the foot of Broad Street, on the line of Water Street, in the city of New York, no quorum was present.

Chief Justice Jay was there, then forty-six years of age. The place of meeting was in his own town, where he not only lived, but where he was then assisting Washington in guiding the new ship of state, by taking the practical supervision of the conduct of Foreign Affairs. He had been for years the Secretary for Foreign Affairs under the old form of government; and, when the change took place, he remained there at Washington's request, until Mr. Jefferson should determine whether he would accept the place, and, if accepting, until he should assume the duties of the office. In the language of the President in offering the place of Secretary of State to Jefferson, "Those papers which more properly pertain to the office of Foreign Affairs are under the superintendence of Mr. Jay, who has been so obliging as to continue his good offices."

Mr. Justice Cushing, just approaching his fifty-eighth birthday, was there. He had held the first place in the Supreme Judicial Court of Massachusetts, and now took his seat upon the bench of the Supreme Court of the United States.

Mr. Justice Wilson, Scotch by birth, and in his forty-eighth year, had arrived from Philadelphia; but no other Justice appeared, and, as the statute prescribed four as a quorum, the court of necessity adjourned to the next day at the same place.

Mr. Justice Blair, who was then fifty-seven years of age, reached

New York before the morning of the next day, and the court was then organized. What took place is thus described by Mr. William Allen Butler, in his address at the celebration:

"On the first Monday of February, 1790, the day fixed for the opening of the session of the court, a quorum was not present: on the following day, the first Tuesday of February — one hundred years ago — the room in the Exchange, set apart for the court, the Federal Hall being occupied by Congress, was, as we are informed by the *United States Gazette*, in its issue of the next day, 'uncommonly crowded.' Numerous Federal, State and municipal officers were present, and 'a great number of members of the bar.' The Chief Justice and Associate Justices Cushing, Wilson and Blair, took their seats on the bench, attended by the Attorney General of the United States, Edmund Randolph of Virginia; the letters patent commissioning all these officers were read by John McKesson, Esq., who acted as temporary clerk; Richard Wenman was appointed 'cryer'; proclamation was made, and the Supreme Court of the United States was opened.

"By these acts, marked with true republican simplicity, the full breath of life was breathed into the government of the United States, and it became a living organism.

"John Jay wore on this occasion the ample robe of black silk, with salmon-colored facings on the front and sleeves, which the pencil of Gilbert Stuart has perpetuated in the fine portrait, a copy of which is now in the chambers of the Supreme Court at Washington. It was, as the family tradition declares, the academic gown of a Doctor of Laws, according to the usage of the University of Dublin, which had conferred this degree not long before upon the new Chief Justice; who, in the absence of precedent or rule, thus gracefully associated the garb of the University with the dignity and destiny of the new tribunal in which he presided, a not unfitting attestation that the true equipment and investiture for judicial office is not political affiliation, but professional fitness.

"The Associate Justices wore the ordinary black robe, which has since come into vogue as the vestment of all the members of the court."

Except to appoint its officers, to frame its rules and to provide for the formation of its bar, there was nothing for the court to do at its opening term. In a little over a week it adjourned. The following is a reduced fac-simile of the entire record for the term; all of which, I am told by the present clerk of the court, is in the hand-writing of Mr. Tucker, the first of his predecessors:

At the Supreme Judicial Court of the Uni-ted States, begun and held at New York (being the Seat of the national Government) on the first Monday of February, and on the first day of said month Anno Domini 1790 —

Present —

The Honble John Jay Esqr. Chief Justice —
The Honble William Cushing and
The Honble James Willson Esqr. Associate Justices

This being the day assigned by Law, for commencing the first Sessions of the Supreme Court of the United States, and a sufficient Number of the Justices not being convened the Court is adjourned, by the Justices now present, untill to Morrow, at one of the Clock in the afternoon —

Mr. Justice Wilson's name is consistently misspelled in this record. Compare it with his signatures to the Declaration of Independence and to the Constitution. I am happy to bear witness to the fact that the modern successors of the first clerk are more accurate than he was.

Tuesday, Feby. 2d. 1790 ———

Present

The Hond.le John Jay Esq.r Chief Justice

The Hond.le { William Cushing
James Wilson, and
John Blair Esq.re Associate Justices

Proclamation is made and the Court is opened —

Letters patent to the Honorable John Jay Esq.r bearing date the 26th. day of Sept.r 1789 appointing him Chief Justice of the Supreme Court of the United States are openly read, and published in Court ——

Letters patent to the Hond.le William Cushing Esq.r bearing date the 27th. day of Sept.r 1789 appointing him Associate Justice of the Sup.r Court of the United States are openly read and published in Court ——

Letters patent to the Honble James Wilson Esqr. bearing date the 29th day of Septr. 1789 appointing him Associate Justice of the Sup. Court of the United States, are openly read and published in Court

Letters patent to the Honble John Blair Esq. bearing Date the 30th day of Septr. 1789 appointing him Associate Justice of the Sup Court of the United States are openly read and published in Court

Letters patent to Edmund Randolph of Virginia Esq. bearing date the 26th day of Septr. 1789. appointing him Attorney General for the United States are openly read and published in Court

Ordered that Richard Wenman, be and he is appointed Cryer of this Court

Adjourned until to morrow at one of the Clock in the Afternoon.

Wednesday, Feb.y 3.d 1789

Present

The Honble John Jay, Esqr. Chief Justice
The Honble { William Cushing
James Wilson, and
John Blair, Esqr. Associate Justices

Proclamation is made and the Court is opened

Ordered, that John Tucker Esqr. of Boston, be the Clerk of this Court — That he reside, and keep his Office at the Seat of the national Government, and that he do not practise either as an Atty. or a Counsellor in this Court while he shall continue to be Clerk of the same

The said John Tucker in open Court takes the Oath of Office by Law prescribed to be taken by the Clerk of this Court, and an Oath to support the Constitution of the United States, and also gives Bond (approved of by the Court) to the United States, for the faithful discharge of his Duty as Clerk aforesaid, as by Law required

Ordered that the Seal of this Court shall be the Arms of the United States, engraved on a circular piece of Steel of the Size of a Dollar, with these words in the Margin "The Seal of the Supreme Court of the United States". And that the Seals of the Circuit Courts shall be the Arms of the United States engraven on circular pieces of Silver of the Size of half a Dollar, with these words in the Margin viz. In the upper part "the Seal of the circuit Court, in the lower part the name of the district for which it is intended —

Ordered, that the Clerk of this Court cause the before mentioned Seals to be made accordingly, and when done that he convey those for the Circuit Courts to the District Clerks respectively —

Adjourned to Friday the fifth day of Feb.y 1790 —

Friday Feby 5th 1790 —

Present —

The Hons^le John Jay Esq^r Chief Justice
William Cushing
The Honble James Wilson, and
John Blair, Esq^rs Associate Justices.

Proclamation is made, and the Court is opened —

Elias Boudinot of New Jersey, Esq^r
Tho^s Hartley of Pennsylvania and
Richard Harrison of New York Esq^r
are severally sworn as by Law required, and are admitted
Counsellors of this Court —

Ordered, that (until further Order) no Gentleman shall be requisite to the admission of Attorneys or Counsellors to practice in this Court that they shall have been such for three years past in the Supreme Courts of the States to which they respectively belong, and that their private and professional Character shall appear to be fair —

Ordered, that Counsellors shall not practice as Attornies; nor Attornies as Counsellors in this Court.

Ordered, that they respectively take the following Oath, viz. I do Solemnly swear that I will demean myself as an Attorney or Counsellor) of the Court uprightly, and according to Law; and that I will support the Constitution of the United States —

Ordered, that unless and until it shall be otherwise provided by Law) all Process of this Court shall be in the Name of "the President of the United States" —

Adjourned until Monday the 8th. day of Feby. 1790 —

Monday Feby. 8th. 1790 —

Present

The Hons^ble John Jay Esq^r. Chief Justice —
Will^m Cushing
James Wilson. and
John Blair Esq^r. Associate Justices

The Hons^ble

Proclamation is made and the Court is opened —

Egbert Benson — John Laurence — Theodore Sedgwick — William Smith — Morgan Lewis — James Jackson — Fisher Ames — George Thacher Richard Varick — and Rob. Morris Esq.r are severally sworn according to Law. and admitted Counsellors of this Court —

William Houston Esq.r is also sworn as the Law directs, and is admitted an Attorney of this Court —

Adjourned to Tuesday the 9th day of Feb.y 1790 —

Tuesday Feb.y 9th 1790 — Present —

The Hon.ble John Jay Esq.r Chief Justice —
The Hon.ble William Cushing
James Wilson and
John Blair Esq.r Associate Justices

Proclamation is made and the Court is opened

Sam.l Jones — Abraham Ogden — Elisha Boudinot — Wm. Paterson — Ezekiel Gilbert — and Cornelius I. Bogart Esq.r are severally sworn as the Law directs: and are admitted as Counsellors of this Court

Edwards Livingston and Jacob Morton Esqrs
are severally sworn according to Law, and admitted
Attornies of this Court —

Adjourned to Feby. 10th 1790 —

Wednesday Feby. 10th 1790

Present

The Hon^ble John Jay Esq^r Chief Justice
William Cushing
James Wilson and
John Blair Esq^r Associate Justices

Proclamation is made and the Court is opened —

Bartholom^w De Haart — John Keep — Peter
Masterton, and Wm Willcocks Esq^rs are now severally sworn as the Law directs, and are admitted
Attornies of this Court —

New York Feby. 10th 1790 — Previous Proclamation being made this Court is adjourned to the time
and place appointed by Law

Ja. Tucker Clerk

Thus it will be seen that the court was actually organized on the first Tuesday of February in the year 1790. The Bar Association of the State of New York, the State in which the organization took place, took the lead in the measures adopted for a proper celebration of this important historical event, by the appointment of a committee, charged with making the preparations for it, and with superintending it. This committee consisted of the following gentlemen:

William H. Arnoux of New York, Chairman; Francis Lynde Stetson of New York, Treasurer; William B. Hornblower of New York, Secretary; Austin Abbott of New York; Robert C. Alexander of New York; Henry H. Anderson of New York; Arthur L. Andrews of Albany; William W. Astor of New York; Charles S. Baker of Rochester; Franklin Bartlett of New York; Tracy C. Becker of Buffalo; John N. Beckley of Rochester; Frederic H. Betts of New York; Robert D. Benedict of Brooklyn; Samuel Appleton Blatchford of New York; Charles J. Buchanan of Albany; John E. Burrill of New York; Charles Henry Butler of New York; William Allen Butler of New York; Michael H. Cardozo of New York; James C. Carter of New York; Howard C. Chipp, Jr., of Kingston; Joseph H. Choate of New York; A. T. Clearwater of Kingston; Grover Cleveland of New York; W. Bourke Cockran of New York; George F. Comstock of Syracuse; Martin W. Cooke of Rochester; Frederic R. Coudert of New York; Esek Cowen of Albany; Charles P. Daly of New York; Julien T. Davies of New York; Noah Davis of New York; Chauncey M. Depew of New York; William C. DeWitt of New York; John F. Dillon of New York; George M. Diven of Elmira; T. E. Ellsworth of Lockport; William Maxwell Evarts of New York; Thomas Ewing of New York; Charles S. Fairchild of New York; Enoch L. Fancher of New York; J. Sloat Fassett of Elmira; David Dudley Field of New York; J. Newton Fiero of Kingston; Robert L. Fowler of New York; Elbridge T. Gerry of New York; Jasper W. Gilbert of Brooklyn; John Gillette of Canandaigua; James F. Gluck of Buffalo; Robert S. Green of New York; Matthew Hale of Albany; M. H. Hirschberg of Newburgh; Frank Hiscock of Syracuse; George Hoadly of New York; Meyer S. Isaacs of New York; John Jay of Katonah; Francis Kernan of Utica; Sherman W. Knevals of New York; Jesse S. L'Amoreaux of Ballston Spa; Joseph Larocque of New York; Daniel Lockwood of Buffalo; Grosvenor P. Lowrey of New York; John J. McCook of New York; Isaac P. Martin of New

York; John G. Milburn of Buffalo; William Mitchell of New York; Levi P. Morton of New York; E. H. Movius of Buffalo; Stephen P. Nash of New York; Homer A. Nelson of Poughkeepsie; William S. Opdyke of New York; R. A. Parmenter of Troy; John E. Parsons of New York; Charles E. Patterson of Troy; Charles A. Peabody of New York; Fletcher C. Peck of Nunda; Edwards Pierrepont of New York; L. B. Proctor of Albany; Orlando B. Potter of New York; William A. Poucher of Oswego; William H. Robertson of Katonah; Sherman S. Rogers of Buffalo; Daniel G. Rollins of New York; Elihu Root of New York; Simon W. Rosendale of Albany; Horace Russell of New York; Leslie W. Russell of New York; Augustus Schoonmaker of Kingston; Robert Sewell of New York; Elliott F. Shepard of New York; Charles F. Tabor of Albany; Benjamin F. Tracy of Brooklyn; Robert T. Turner of Elmira; A. V. W. Van Vechten of New York; John Van Voorhis of Rochester; John D. Wendell of Fort Plain; Zerah S. Westbrook of Amsterdam; Everett P. Wheeler of New York; William C. Whitney of New York; John Winslow of Brooklyn; and Stewart L. Woodford of Brooklyn.

The Bar Association of the city of New York appointed a coöperating committee consisting of the following members: Frederic R. Coudert, President of the Association; Clifford A. Hand; E. Ellery Anderson; Austen G. Fox; and William G. Wilson.

The American Bar Association appointed as a coöperating committee on its part: David Dudley Field of New York, Chairman; Lyman Trumbull of Illinois; Henry Hitchcock of Missouri; J. Randolph Tucker of Virginia; Thomas J. Semmes of Louisiana; William C. Endicott of Massachusetts; Edward J. Phelps of Vermont; Cortlandt Parker of New Jersey; Henry Wise Garnett of the District of Columbia; Francis Rawle of Pennsylvania; and Charles Henry Butler of New York, Secretary.

It was determined that the celebration should take place in the city of New York on Tuesday the 4th of February, 1890, being the first Tuesday in the month; and that it should consist of two parts: the first, Commemorative Literary Exercises, to take place at the Metropolitan Opera House, on the morning of that day; and the second a Banquet at the Lenox Lyceum on the evening of that day. The following sub-committees were appointed to carry out this plan:

Executive Committee. — Grover Cleveland, Chairman; Chauncey M. Depew, David Dudley Field, John F. Dillon, Francis Lynde Stetson, Robert Ludlow Fowler, Charles P. Daly. *Ex-officio*, William H. Arnoux, William B. Hornblower, Orlando B. Potter, Joseph Larocque, Robert Sewell, James C. Carter.

Committee on Finance. — Orlando B. Potter, Chairman; Elliott F. Shepard, Elbridge T. Gerry, Julien T. Davies, Noah Davis, Edwards Pierrepont, Robert D. Benedict, Horace Russell, John G. Milburn. *Ex-officio*, William H. Arnoux, William B. Hornblower, Francis Lynde Stetson.

Committee on Invitations. — Joseph Larocque, Chairman; A. V. W. Van Vechten, A. T. Clearwater, Daniel G. Rollins, Elihu Root. *Ex-officio*, William H. Arnoux, William B. Hornblower.

Committee on Commemorative Exercises. — Robert Sewell, Chairman; Thomas Ewing, Frederic R. Coudert, George Hoadly, John Winslow. *Ex-officio*, William H. Arnoux, William B. Hornblower.

Sub-Committee on Transportation. — Robert Ludlow Fowler, Chairman; Chauncey M. Depew.

Committee on Entertainments and Receptions. — James C. Carter, Chairman; Joseph H. Choate, Matthew Hale, Martin W. Cooke, John Van Voorhis, William H. Robertson, William M. Evarts, Frank Hiscock, Stewart L. Woodford, Everett P. Wheeler, William S. Opdyke, J. Sloat Fassett, M. H. Hirschberg, George M. Diven, E. L. Fancher. *Ex-officio*, William H. Arnoux, Chairman Judiciary Centennial Committee; William B. Hornblower, Secretary Judiciary Centennial Committee; Frederic R. Coudert, President of the Bar Association of the city of New York; Clifford A. Hand, E. Ellery Anderson, Austen G. Fox, William G. Wilson, Committee of the Bar Association of the city of New York; Charles Henry Butler, Secretary American Bar Association Committee.

Sub-Committee on the Reception and Entertainment of Invited Guests. — Julien T. Davies, Chairman; William Mitchell, Frederic H. Betts, Robert C. Alexander, Secretary.

Sub-Committee on Toasts. — Stewart L. Woodford, Chairman; Martin W. Cooke, George M. Diven, Clifford A. Hand, Austen G. Fox, James C. Carter.

Sub-Committee on the Banquet. — William S. Opdyke, Chairman; Samuel A. Blatchford, Charles Henry Butler.

I.

COMMEMORATIVE LITERARY EXERCISES AT THE METROPOLITAN OPERA HOUSE.

Before half-past ten in the morning, the hour set for the commencement of the exercises, the vast auditorium of the house was well filled — orchestra seats, boxes and galleries. At the appointed time the committees, with their guests, entered the hall in procession, the grand symphony orchestra playing Meyerbeer's "Coronation March." They proceeded down the aisle, through the audience, to the stage, in the following order:

The Chairman of the Executive Committee; the Chairman of the Committee of One Hundred; the Chief Justice of the Supreme Court of the United States; the Associate Justices and ex-Justice of the Supreme Court of the United States in order of seniority, walking in pairs; the Clerk and the Marshal of the Supreme Court of the United States; the President of the Bar Association of the city of New York; the Chairman of the Committee of the American Bar Association; the Senators and ex-Senators of the United States; members of the Judiciary Committee of the House of Representatives of the United States; the President *pro tem.* of the Senate of the State of New York; the speakers of the day; the Chairmen of the Committees on Commemorative Exercises and on Entertainments and Receptions; the Chairmen of the Committees on Invitations and on Finance; the Secretary and the Treasurer of the Committee of One Hundred; the Chief Judge of the Court of Appeals of the State of New York, First Division, and the Associate Judges and ex-Judge in order of seniority; the Chief Judge of the Court of Appeals of the State of New York, Second Division, and the Associate Judges in order of seniority; the Clerk of the Court of Appeals of the State of New York; the United States Circuit Judges and ex-Circuit Judges; the United States District Judges and ex-District Judges; the Judges of the highest Appellate Court of each State, the States ranking alphabetically, and the Chief Judge and Associate Judges of each court walking in pairs, and the Associate Judges in order of seniority; the Presiding Justices of the Supreme Court of the

State of New York; the Chief Judges of the Superior Court and Court of Common Pleas of the city of New York; the Justices of the Supreme Court of the State of New York; the Judges of the superior City Courts of the State of New York; other invited guests; members of the Committee of One Hundred; and last, members of the Reception Committee.

Mr. Grover Cleveland, as Chairman of the Executive Committee, took the chair.

On the right of Mr. Cleveland were Chief Justice Fuller, and Associate Justices Miller, Field, Bradley, Harlan, Gray, Blatchford, Lamar and Brewer. Mr. Justice Strong, retired, sat next them. Immediately behind the Justices of the Supreme Court, were the Rev. Dr. Dix, Chief Judge William C. Ruger of the Court of Appeals of New York, and Associate Judges Andrews, Peckham, Earl, Finch, Gray and O'Brien, with ex-Judge Danforth of the same court.

On the left of Mr. Cleveland were William H. Arnoux, F. R. Coudert, and the following Judges of the United States Circuit and District Courts: Le Baron B. Colt, Circuit Judge of the First Circuit; Nathan Webb, District of Maine; William J. Wallace and E. Henry Lacombe, Circuit Judges of the Second Circuit; Nathaniel Shipman, District of Connecticut; Addison Brown, Southern District of New York; Charles L. Benedict, Eastern District of New York; Leonard E. Wales, District of Delaware; Edward T. Green, District of New Jersey; William Butler, Eastern District of Pennsylvania; R. W. Hughes, Eastern District of Virginia; John Paul, Western District of Virginia; Robert A. Hill, Districts of Mississippi; J. G. Jenkins, Eastern District of Wisconsin; Moses Hallett, District of Colorado; and Amos M. Thayer, Eastern District of Missouri.

The names of the others seated on the stage were: George W. Stone, Chief Justice of the Supreme Court of Alabama; Charles B. Andrews, Chief Justice of the Supreme Court of Connecticut; Dwight Loomis, Associate Justice of the Supreme Court of Connecticut; Joseph P. Comegys, Chief Justice of the Supreme Court of Delaware; Ignatius C. Grubb and John W. Houston, Associate Justices of the Supreme Court of Delaware; John W. Champlin, Chief Justice of the Supreme Court of Michigan; Alexander T. McGill, Chancellor of New Jersey; Manning W. Knapp, Jonathan Dixon, Charles C. Garrison and Abraham C. Smith, Judges of the Court of Errors and Appeals of New Jersey; David L. Follett, Chief Judge, Second Division of the Court of Appeals of New York; George B. Bradley, Joseph Potter, Irving G. Vann, Albert Haight

and Alton B. Parker, Associate Judges, Second Division of the Court of Appeals of New York; Guy C. H. Corliss, Chief Justice of the Supreme Court of North Dakota; John H. Stiness, Associate Justice of the Supreme Court of Rhode Island; Lunsford L. Lewis, President of the Supreme Court of Appeals, Virginia; J. Sloat Fassett, President *pro tem.* of the Senate of the State of New York; Alfred C. Chapin, Mayor of the city of Brooklyn; Seth Low, President of Columbia College; A. S. Webb, President of the College of the City of New York; Rev. Talbot W. Chambers, Pastor of the Collegiate Reformed Dutch Church of the city of New York; Thomas F. Bayard of Delaware; John A. King, President of the New York Historical Society; Wayne McVeagh of Philadelphia; General William T. Sherman, U. S. A.

Mr. Cleveland, who was introduced by Mr. Coudert as the Chairman of the day's proceedings, then made the introductory address.

When this was concluded the Reverend Morgan Dix, D.D., D.C.L., Rector of Trinity Church, New York, offered appropriate prayers, from the Prayer Book of the Protestant Episcopal Church.

Mr. William H. Arnoux, Chairman of the Judiciary Centennial Committee of the New York State Bar Association, next made the "Address of Welcome to the Court" speaking "in behalf of those who are here assembled, representing the executive and legislative departments of the government, national and state, the bench and the bar of the Federal and State courts, whose selected delegates have gathered here from Maine to California, and the people of the United States, the freest and the happiest in the world."

Mr. William Allen Butler, LL.D., of New York then made an address upon "The Origin of the Supreme Court of the United States, and its place in the Constitution"; at the close of which the orchestra gave a selection from Verdi's "Aida."

Mr. Henry Hitchcock of Missouri then made an address upon "The Supreme Court and the Constitution."

Mr. Thomas J. Semmes of Louisiana followed in an address upon the "Personal Characters of the Chief Justices."

An intermission of ten minutes was then taken, and the orchestra played the *entr'acte* of Gounod's "La Colombe."

Mr. Edward J. Phelps of Vermont then made an address upon "The Supreme Court and the Sovereignty of the People."

Mr. Chief Justice Fuller made the following remarks in acknowledgment, and in presenting Mr. Justice Field:

REMARKS OF CHIEF JUSTICE FULLER.

Mr. Chairman: I rise to express to the New York State Bar Association and to those who have coöperated with it, on behalf of the Supreme Court of the United States, the appreciation of its members of the admirable manner in which the centennial anniversary of the organization of the judicial department of the general government is being celebrated, and their sense of the cordial hospitality with which they have been welcomed to the metropolitan city, where the first session of the court was held. Their acknowledgments are due for the terms in which that welcome has been extended during these exercises, and for the discriminating and eloquent addresses in historical and biographical review of the court, and in exposition of its powers, the ends which it secures, and the vital functions which it exercises in the masterly constitutional scheme devised to perpetuate popular government — addresses worthy of the eminent men who have pronounced them, leaders in that great fraternity whence the membership of courts is derived, and upon whose assistance and support all courts rely.

But it is not for me, while tendering these acknowledgments, to enter upon these comprehensive reflections suggested by the occasion, and which should find expression on our part. That grateful duty appropriately devolves upon one of those veteran jurists, the fruitful labors of whose many years have imparted imperishable fame to the tribunal and themselves. Three of them, still shining in use, find work of noble note may yet be done in the cause to which their lives have been dedicated; while another, the recipient of the liveliest attachment on the part of his brethren and of the people he has served so well, maintains, in his well-earned retirement, a never-ceasing interest in the exalted administration of justice.

And I deem it a peculiar felicity that at a celebration conducted under the auspices of the bar of the State of New York — that bar which has given to the Supreme Bench a Jay,

a Livingston, a Thompson, a Nelson and a Hunt, and whose Blatchford continues most worthily to adorn it — I am enabled to introduce, as the representative of the court, a member of the same bar, who has reflected so much credit upon its training in more than thirty years of distinguished judicial service, Mr. Justice Field of California.

ADDRESS OF MR. JUSTICE FIELD.

Mr. President and Gentlemen:

As the Chief Justice of the United States has been pleased to refer to my former connection with the bar of this State and city, I beg to say that I still claim, with pride, membership there, and trust that the claim will be allowed. Although I remained in this city but a few years, swept away by the current which set, in 1849, for the Eldorado of the West, dreaming that I might perhaps in some way aid in laying the foundations of that great Commonwealth, which every one saw was to arise on the Pacific, I carried with me, and still retain, pleasant recollections of the learned bar of that period, and of its great lawyers, to whom I looked up with admiration: George Wood, George Griffin, Daniel Lord, Francis B. Cutting, Benjamin F. Butler, John Duer, Charles O'Conor, James W. Gerard, James T. Brady and others — names never spoken of throughout our land without profound respect. In my subsequent life, in the varied experiences with which it has been marked, and with the extended acquaintance I have had with the legal profession, I have always regarded them as among the ablest and most learned of great advocates.

The Chief Justice, in behalf of himself and his associates, has expressed in fitting terms their high appreciation of the courtesy extended to them by the Association of the Bar of the State of New York, the remembrance of which they will carry through life. He has also expressed the pleasure which they have felt, in common with all here present, in listening to the addresses made upon the organization of the Supreme

Court, and its place in the constitutional system of the United States, and upon the lives and careers of the justices who, by their expositions of the Constitution and their maintenance of its principles, have shed lustre upon that tribunal. But far beyond these eloquent discourses, and beyond the power of expression in words, is the eulogium presented by this vast assembly, — composed of great lawyers, eminent judges, and men distinguished in different departments of life for their honorable public services, — gathered from all parts of our country, to celebrate the centennial anniversary of the court's organization, and to listen to the story of its labors during the hundred years of its existence — an assembly presided over by one who has held the high office of President of the United States.

In every age and with every people there have been celebrations for triumphs in war — for battles won on land and on sea — and for triumphs of peace, such as the opening of new avenues of commerce, the discovery of new fields of industry and prosperity, the construction of stately temples and monuments, or grand edifices for the arts and sciences, and for the still nobler institutions of charity.

But never until now has there been in any country a celebration like this, to commemorate the establishment of a judicial tribunal as a coördinate and permanent branch of its government. The unobtrusive labors of such a department, the simplicity of its proceedings, unaccompanied by pomp or retinue, and the small number of persons composing it, have caused it to escape rather than to attract popular attention and applause.

This celebration had its inspiration in a profound reverence for the Constitution of the United States as the sure and only means of preserving the Union, with its inestimable blessings, and the conviction that this tribunal has materially contributed to its just appreciation and to a ready obedience to its authority. For that Constitution the deepest reverence may well be entertained. Its adoption was essential to that dual government by which alone free institutions can be maintained in a country so widely extended as ours, embracing every variety of climate, furnishing different products, supporting

different industries, and having in different sections people of different habits and pursuits, and in many cases of different religious faiths.

Of this complex government — of its origin and operation — I may be pardoned if I say a few words, before speaking of its judicial department and of the peculiar functions which distinguish it from the judicial departments of all other countries, and before speaking of the necessity of legislation, that its tribunal of last resort may be as useful in the future as we believe it has been in the past.

Experience has shown that in a country of great territorial extent and varied interests, peace and lasting prosperity can exist with a civilized people only when local affairs are controlled by local authority, and, at the same time, there are lodged in the general government of the country such sovereign powers, as will enable it to regulate the intercourse of its people with foreign nations and between the several communities, protect them in all their rights in such intercourse, defend the country against invasion and domestic violence, and maintain the supremacy of the laws throughout its whole domain. This principle the framers of the Constitution acted upon in establishing the government of the Union, by leaving unimpaired the power of the States to control all matters of local interest, and creating a new government of sovereign powers for matters of general and national concern. They thus succeeded in reconciling local self-government — or home-rule, as it is termed — with the exercise of national sovereignty for national purposes. Under this dual government each State may pursue the policy best suited to its people and resources, though unlike that of another State. And yet there can be no violent conflicts so long as the central government exercises its rightful power, and secures them against foreign invasion and internal violence, and extends to the citizens of each State protection in the others. The adaptation of this form of government for a far more extended territory than that existing at its adoption, has been demonstrated by the addition to the Union of new States with interests and resources in many respects essentially different from those of the original States, but which, from experience of its benefits and their instinctive

yearning for nationality, have formed a like attachment to the Constitution.

The prosperity which has followed this distribution of governmental powers not only attests the wisdom of the framers of the Constitution, but transcends even their highest expectations. In the history of no people — ancient or modern — has anything been known at all comparable with the progress of this country since that time in the development of its resources, in the addition to its material wealth, in its application of science to works of public utility, in the increase of its population and in the general contentment and happiness of its people. The predictions of the most enthusiastic as to its growth and prosperity never equalled the stupendous reality.

The Constitution of the United States, which, in ordaining this complex government, has been productive of such vast results, was the outgrowth of institutions and doctrines inherited from our ancestors and applied under the new conditions of our country. A distinguished English statesman has designated it as the most wonderful product struck off at a given time by the brain and purpose of man; but this designation is only true as to the character of the instrument. Though it received definite form from the labors of the Convention of 1787, it was, in its division of governmental powers into three departments, and in its guaranties of private rights, the product of centuries of experience in the government of England. It had its roots deep in the past, as all enduring institutions have. The colonists brought with them the great principles of civil liberty, which had been established there after many a conflict with the Crown, and which were proclaimed in Magna Charta and in the Declaration of Rights. Our country was in this respect the heir of all the ages. Not a blow was struck for liberty in the Old World that did not wake an echo in the forests of the New. Every vantage ground gained there on its behalf was courageously and stubbornly held here. Thus liberty, with all its priceless blessings, passed from country to country, from hemisphere to hemisphere, and from generation to generation. Claiming this inheritance, the Continental Congress, assembled in 1774 to provide measures to resist the encroachments of the British Crown, declared that the inhabitants

of the colonies were entitled, "by the immutable laws of nature, the principles of the English Constitution and their several charters, to all the rights, privileges and immunities of free and natural-born subjects within the realm of England." And when a subsequent Congress, in 1776, declared the independence of the colonies, it proclaimed that the rights of man to life, to liberty and to the pursuit of happiness — having then risen to a just appreciation of their true source — were held by him, not as a boon from king or parliament, or as the grant of any charter, but as the endowment of his Creator; also, that to secure these rights — not to grant them — governments are instituted among men, deriving their just powers from the consent of the governed. The different communities, which, by the separation from the mother country, had ceased to be colonies and had become States, when framing new constitutions to conform to their new conditions, inserted guaranties for the protection of these rights, with other provisions required for the government of free commonwealths.

It was foreseen, however, by members of the Continental Congress and by thoughtful patriots throughout the country, that when the independence of the colonies was recognized by the mother country, as sooner or later it must be, they would be at once surrounded by difficulties and dangers, threatening their peace and even their existence as independent communities. It was plain to them that, without some common protecting power, disputes from conflicting interests and rivalries, incident to all neighboring States, would arise between them, which would inevitably lead to armed conflicts and invite the interference of foreign powers, ending in their conquest and subjection; and that all that was gained by the experience of centuries and by the revolution on behalf of the rights of man and free government would be lost.

To provide against these apprehended dangers, a federation or league between the States was proposed as a measure of common defence and protection. Articles of Confederation were accordingly framed and submitted to the legislatures of the States, and finally adopted in 1781.

But, as we all know, these articles provided no mode of carrying into effect the measures of the Confederation, or

even the treaties made by it. They established no tribunal to construe its enactments and enforce their provisions. Its power was simply that of recommendation to the States, its framers appearing to have believed that the States had only to know what was necessary, in the judgment of Congress, for the general welfare, to provide adequate means for its accomplishment. A government which could only enforce its enactments upon the approval of thirteen distinct sovereignties necessarily contained within itself the seeds of its dissolution; it could not give the general protection needed. Having no power to exact obedience or to punish for disobedience to its advisory ordinances, its recommendations were disregarded not only by States but by individuals.

But though the government of the Confederation failed to accomplish the purpose of its creation, its experience was of inestimable value; it made clear to the whole country what was essential in a general government in order to give the needed security and protection, and thus prepared the way for the adoption of the Constitution of the United States. So out of the necessities of the times, to preserve whatever of freedom had been gained in the past, — gained after years of bitter experience, both in the mother country and in our own, — and to secure its full fruition in the future, that instrument was framed and adopted. By it the great defects of the Confederation were avoided, and a government created with ample powers to give to the States and to all their inhabitants the needed security — a government taking exclusive charge of our foreign relations, representing the people of all the States in that respect as one nation, with power to declare war, make peace, negotiate treaties and form alliances, and at the same time securing a republican government to each State and freedom of intercourse between the States, equality of privileges and immunities to citizens of each State in the several States, uniformity of commercial regulations, a common currency, a standard of weights and measures, one postal system, and such other matters as concerned all the States and their people.

By the union of the States, which had its origin in the necessities of the war of the Revolution, which was declared in the Articles of Confederation to be perpetual, but which

was rendered perfect only under the Constitution, the political body known as the United States was created and took its place in the family of nations. With that union the States became, in their relations to foreign countries and their citizens or subjects, one nation, and their people became one people, with a government designed to be perpetual. A dissolution of the Union would, indeed, remit the States to their original position of separate communities, and the United States ceasing to be a political body would pass from the family of nations. But such a possibility was never considered by the framers of the Constitution; no provisions are found within it contemplating such a result. As aptly stated by Chief Justice Chase, "the Constitution in all its provisions looks to an indestructible Union composed of indestructible States." Its government was clothed with the means to give effect to all its measures, which none have been able during the century of its existence successfully to resist. In the late civil war its strength was subjected to the severest test. But notwithstanding the immense forces wielded by the Confederate States, the extent of territory they controlled, and the vast numbers which recognized their authority, the government of the Union never for one hour renounced its claim to supreme authority over the whole country, and to the allegiance of every citizen thereof. And when the contest ended — a contest which was the most tremendous and awful civil war known in history, though made resplendent with unprecedented acts of heroic courage on both sides — the armies of the Confederate States were scattered, and their whole government overthrown. Whilst the fiery courage and the martial spirit of their people extorted our admiration, — we are all of the same warrior race, — their attempts to break the Union only disclosed the immovable solidity of its foundations and the massive strength of its superstructure. It was the dash of the tempestuous waves against the eternal rock. And, now, in all its wide domain, in respect to every right secured by the Constitution, no citizen of the Republic is beyond its power or so humble as to be beneath its protection. We can now confidently look forward to the time when the country will embrace hundreds of millions of people, and are justified in

believing that the States will be united then, as now, by kindred sentiments, and common pride in the greatness and the glory of the country. We have an abiding faith that when we shall have surpassed — as we are destined to do — in the vastness of our empire, as in the civilization and wealth of our people, ancient Rome in her greatest days, we shall continue to be, for all national purposes, as now, one nation, one people, one power.

The crowning defect in the government under the Articles of Confederation was the absence of any judicial power; it had no tribunal to expound and enforce its laws.

In no one particular was the difference between that government and the one which superseded it more marked than in its judicial department. The Constitution declares not only in what courts the judicial power of the United States shall be vested, but to what subjects it shall extend. It is vested in one Supreme Court and in such inferior courts as Congress may from time to time ordain and establish, and it extends not only to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign States, citizens or subjects; but also to all cases in law and equity arising under the Constitution, the laws of the United States and treaties made under their authority. Cases are considered as arising under the Constitution, laws, and treaties of the United States, whenever any question respecting that Constitution and those laws or treaties is presented in such form that the judicial power can act upon it — that is to say, when a right or claim is asserted for the maintenance of which a construction of that Constitution, or of a law or a treaty of the United States, is required.

No government is suited to a free people where a judicial department does not exist with power to decide all judicial questions arising upon its constitution and laws.

The judicial department established under the Constitution is thus coextensive; it reaches to every judicial question which arises under the Constitution, treaties, and laws of the United States. It has devolved upon it, when such a question arises, beyond the ordinary functions of a judicial department under a single, as distinguished from a dual, government, the duty of determining whether the delegation of powers to Congress on the one hand, or the reservation of powers to the States on the other, is passed by either, and thus of preventing jarring conflicts. And in two particulars it is distinguished from the judicial department of any other country; one, in that it can summon before it the States of the Union, and adjust controversies between them, going even to the extent of determining disputes as to their boundaries, rights of soil and jurisdiction; the other, in that it can determine the validity or invalidity of an act of Congress or of the States, when the validity of either is assailed in litigation before it.

Controversies between different states of the world respecting their boundaries, rights of soil and jurisdiction have been the fruitful source of irritation between their people, and not unfrequently of bloody conflicts. The history of many of the principalities of Germany in the fifteenth century is a history of desolating wars over disputed boundaries. The license, disorders and crimes usually attendant upon border warfare were the cause of widespread misery, until the establishment under Maximilian of an imperial chamber for the settlement of such controversies, which brought out of chaos order and tranquillity in the German Empire.

Between the States in this country, under the Articles of Confederation, there were also numerous conflicts as to boundaries and consequent rights of soil and jurisdiction. They existed between Pennsylvania and Virginia; between Massachusetts and New Hampshire; and between Virginia and New Jersey. By the judicial article of the Constitution all such controversies are withdrawn from the arbitrament of war to the arbitrament of law. Thus, for the first time in the history of the world is the spectacle presented of a provision embodied in the fundamental law of a country, that controversies between States — still clothed for purposes of internal

government with the powers of independent communities — shall be submitted to the peaceful and orderly modes of judicial procedure for settlement — controversies which Lord Chancellor Hardwicke, in the case of *Penn* v. *Lord Baltimore*, said were worthy the judicature of a Roman senate rather than of a single judge.

The practical application of the power of the Supreme Court in this particular has been fruitful of happy results. In 1837 it settled a disputed boundary between Rhode Island and Massachusetts; in 1849 it brought to an adjustment the disputed line between Missouri and Iowa; and, in 1870, it settled the controversy between Virginia and West Virginia as to jurisdiction over two counties within the asserted boundaries of the latter. Certainly no provision of the Constitution can be mentioned, more honorable to the country or more expressive of its Christian civilization, than the one which provides that controversies of this character shall be thus peacefully settled. In determining them, the court is surrounded by no imperial guard; by no bands of janissaries; it has with it only the moral judgment and the invisible power of the people. Should the necessity arise, that invisible power would soon develop into a visible and irresistible force.

The power of the court to pass upon the conformity with the Constitution of an act of Congress, or of a State, and thus to declare its validity or invalidity, or limit its application, follows from the nature of the Constitution itself, as the supreme law of the land, — the separation of the three departments of government into legislative, executive and judicial — the order of the Constitution — each independent in its sphere, and the specific restraints upon the exercise of legislative powers contained in that instrument. In all other countries, except perhaps Canada under the government of the Dominion, the judgment of the legislature as to the compatibility of a law passed by it with the constitution of the country has been considered as superior to the judgment of the courts. But under the Constitution of the United States, the Supreme Court is independent of other departments in all judicial matters, and the compatibility between the Constitution and a statute, whether of Congress or of a State, is a judicial and not a

political question, and therefore is to be determined by the court whenever a litigant asserts a right or claim under the disputed act for judicial decision.

This power of that court is sometimes characterized by foreign writers and jurists as a unique provision of a disturbing and dangerous character, tending to defeat the popular will as expressed by the legislature. In thus characterizing it they look at the power as one that may be exercised by way of supervision over the general legislation of Congress, determining the validity of an enactment in advance of its being contested. But a declaration of the unconstitutionality of an act of Congress or of the States cannot be made in that way by the judicial department. The unconstitutionality of an act cannot be pronounced except as required for the determination of contested litigation. No such authority as supposed would be tolerated in this country. It would make the Supreme Court a third house of Congress, and its conclusions would be subject to all the infirmities of general legislation.

The limitations upon legislative power, arising from the nature of the Constitution and its specific restraints in favor of private rights, cannot be disregarded without conceding that the legislature can change at will the form of our government from one of limited to one of unlimited powers. Whenever, therefore, any court, called upon to construe an enactment of Congress or of a State, the validity of which is assailed, finds its provisions inconsistent with the Constitution, it must give effect to the latter, because it is the fundamental law of the whole people, and, as such, superior to any law of Congress or any law of a State. Otherwise the limitations upon legislative power expressed in the Constitution or implied by it must be considered as vain attempts to control a power which is in its nature uncontrollable.

This unique power, as it is termed, is therefore not only not a disturbing or dangerous force, but is a necessary consequence of our form of government. Its exercise is necessary to keep the administration of the government, both of the United States and of the States, in all their branches, within the limits assigned to them by the Constitution of the United States, and thus secure justice to the people against the unrestrained legis-

lative will of either — the reign of law against the sway of arbitrary power.

As to the decisions of the Supreme Court respecting the constitutionality of acts of Congress or of the States, they have, as a general rule, been recognized as furthering the great purposes of the Constitution, — as where, in *Gibbons* v. *Ogden*, the court declared the freedom of the navigable waters of New York to all vessels, against a claim of an exclusive right to navigate them by steam vessels under a grant of the State to particular individuals — or where, as in *Dartmouth College* v. *Woodward*, the court enforced the prohibition of the Constitution against the impairment by the legislation of a State of the obligation of a contract, declaring void an act of New Hampshire which altered the charter of the college in essential particulars, and holding that the charter granted to the trustees of the college was a contract within the meaning of the Constitution and protected by it, and that the college was a private charitable institution — not under the control of the legislature; — or where, as in *Brown* v. *Maryland*, the court declared that commerce with foreign nations could not, under a law of the State, be burdened with a tax upon goods imported, before they were broken in bulk, though the tax was imposed in the form of a license to sell; — or where, as in *Weston* v. *Charleston*, the court declared that the bonds and securities of the United States could not be subjected to taxation by the States, and thus the credit of the United States be impaired; — or where, as in *McCulloch* v. *Maryland*, and *Osborn* v. *Bank of the United States*, the court denied the authority of the States, by taxation or otherwise, to impede, burden, or in any manner control the means or measures adopted by the government for the execution of its powers; — or where, as in *Hall* v. *DeCuir*, *The Wabash Railway Co.* v. *Illinois*, *The Philadelphia and Southern Steamship Co.* v. *Pennsylvania*, and other cases determined in the last quarter of a century, the court has removed barriers to interstate and foreign commerce interposed by state legislation.

And so, in the great majority of cases in which the validity of an act of Congress or of a State has been called in question, its decisions have been in the same direction, to uphold and

carry out the provisions of the Constitution. In some instances the court, in the exercise of its powers in this respect, may have made mistakes. The judges would be more than human if this were not so. They have never claimed infallibility; they have often differed among themselves. All they have ever asserted is, that they have striven to the utmost of their abilities to be right, and to perform the functions with which they are clothed, to the advancement of justice and the good of the country.

In respect to their liability to err in their conclusions this may be said — that in addition to the desire which must be ascribed to them to be just — the conditions under which they perform their duties, the publicity of their proceedings, the discussions before them, and the public attention which is drawn to all decisions of general interest, tend to prevent any grave departure from the purposes of the Constitution. And, further, there is this corrective of error in every such departure; it will not fit harmoniously with other rulings; it will collide with them, and thus compel explanations and qualifications until the error is eliminated. Like all other error it is bound to die; truth alone is immortal, and in the end will assert its rightful supremacy.

And now, with its history in the century past, what is needed, that the Supreme Court of the United States should sustain its character and be as useful in the century to come? I answer, as a matter of the first consideration, — that it should not be overborne with work, and by that I mean it should have some relief from the immense burden now cast upon it. This can only be done by legislative action, and in determining what measures shall be adopted for that purpose Congress will undoubtedly receive with favor suggestions from the bar associations of the country. The justices already do all in their power, for each one examines every case and passes his individual judgment upon it. No case in the Supreme Court is ever referred to any one justice, or to several of the justices, to decide and report to the others. Every suitor, however humble, is entitled to and receives the judgment of every justice upon his case.

In considering this matter it must be borne in mind that, in

addition to the great increase in the number of admiralty and maritime cases, from the enlarged commerce on the seas, and on the navigable waters of the United States, and in the number of patent cases, from the multitude of inventions brought forth by the genius of our people, calling for judicial determination, even to the extent of occupying a large portion of the time of the court, many causes, which did not exist upon its organization or during the first quarter of the century, have added enormously to its business. Thus by the new agencies of steam and electricity in the movement of machinery and transmission of intelligence, creating railways and steamboats, telegraphs and telephones, and adding almost without number to establishments for the manufacture of fabrics, transactions are carried on to an infinitely greater extent than before between different States, leading to innumerable controversies between their citizens, which have found their way to that tribunal for decision. More than one-half of the business before it for years has arisen from such controversies.

The facility with which corporations can now be formed has also increased its business far beyond what it was in the early part of the century. Nearly all enterprises requiring for their successful prosecution large investments of capital are conducted by corporations. They, in fact, embrace every branch of industry, and the wealth that they hold in the United States equals in value four-fifths of the entire property of the country. They carry on business with the citizens of every State as well as with foreign nations, and the litigation arising out of their transactions is enormous, giving rise to every possible question to which the jurisdiction of the federal courts extends.

The numerous grants of the public domain, embracing hundreds of millions of acres, in aid of the construction of railways; also for common schools, for public buildings and institutions of learning, have produced a great variety of questions of much intricacy and difficulty. The discovery of mines of the precious metals, in our new possessions on the Pacific Coast, and the modes adopted for their development, have added many more. The legislation required by the exigencies of the civil war, and following it, and the constitutional amendments which

were designed to give farther security to personal rights, have brought before the court questions of the greatest interest and importance, calling for the most earnest and laborious consideration. Indeed, the cases which have come before this court, springing from causes which did not exist during the first quarter of the century, exceed, in the magnitude of the property interests involved, and in the importance of the public questions presented, all cases brought within the same period before any court of Christendom.

Whilst the constitutional amendments have not changed the structure of our dual form of government, but are additions to the previous amendments, and are to be considered in connection with them and the original Constitution as one instrument, they have removed from existence an institution which was felt by wise statesmen to be inconsistent with the great declarations of right upon which our government is founded; and they have vastly enlarged the subjects of federal jurisdiction. The amendment declaring that neither slavery nor involuntary servitude, except as a punishment for crime, shall exist in the United States or any place subject to their jurisdiction, not only has done away with the slavery of the black man, as it then existed, but interdicts forever the slavery of any man, and not only slavery, but involuntary servitude — that is, serfage, vassalage, villeinage, peonage, and all other forms of compulsory service for the mere benefit or pleasure of others. As has often been said, it was intended to make every one born in this country a free man and to give him a right to pursue the ordinary vocations of life without other restraint than such as affects all others, and to enjoy equally with them the fruits of his labor. The right to labor as he may think proper without injury to others is an element of that freedom which is his birthright.

The amendment, declaring that no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, or deprive any person of life, liberty or property without due process of law, or deny to any person within its jurisdiction the equal protection of the laws, has proclaimed that equality before the law shall forever be the governing rule of all the States of the Union,

which every person however humble may invoke for his protection. In enforcing these provisions, or considering the laws adopted for their enforcement, or laws which are supposed to be in conflict with them, difficult and far-reaching questions are presented at every term for decision.

Up to the middle of the present century the calendar of the court did not average one hundred and forty cases a term, and never amounted at any one term to three hundred cases; the calendar of the present term exceeds fifteen hundred. In view of the condition of the court — its crowded docket — the multitude of questions constantly brought before it of the greatest and most extended influence — surely it has a right to call upon the country to give it assistance and relief. Something must be done in that direction and should be done speedily to prevent the delays to suitors now existing. To delay justice is as pernicious as to deny it. One of the most precious articles of Magna Charta was that in which the king declared that he would not deny nor *delay* to any man justice or right. And assuredly what the barons of England wrung from their monarch, the people of the United States will not refuse to any suitor for justice in their tribunals.

Furthermore, I hardly need say, that, to retain the respect and confidence conceded in the past, the court, whilst cautiously abstaining from assuming powers granted by the Constitution to other departments of the government, must unhesitatingly and to the best of its ability enforce, as heretofore, not only all the limitations of the Constitution upon the federal and state governments, but also all the guaranties it contains of the private rights of the citizen, both of person and of property. As population and wealth increase — as the inequalities in the conditions of men become more and more marked and disturbing — as the enormous aggregation of wealth possessed by some corporations excites uneasiness lest their power should become dominating in the legislation of the country, and thus encroach upon the rights or crush out the business of individuals of small means — as population in some quarters presses upon the means of subsistence, and angry menaces against order find vent in loud denunciations — it becomes more and more the imperative duty of the

court to enforce with a firm hand all the guaranties of the Constitution. Every decision weakening their restraining power is a blow to the peace of society and to its progress and improvement. It should never be forgotten that protection to property and to persons cannot be separated. Where property is insecure, the rights of persons are unsafe. Protection to the one goes with protection to the other; and there can be neither prosperity nor progress where either is uncertain.

That the Justices of the Supreme Court must possess the ability and learning required by the duties of their office, and a character for purity and integrity beyond reproach, need not be said. But it is not sufficient for the performance of his judicial duty that a judge should act honestly in all that he does. He must be ready to act in all cases presented for his judicial determination with absolute fearlessness. Timidity, hesitation and cowardice in any public officer excite and deserve only contempt, but infinitely more in a judge than in any other, because he is appointed to discharge a public trust of the most sacred character. To decide against his conviction of the law or judgment as to the evidence, whether moved by prejudice, or passion, or the clamor of the crowd, is to assent to a robbery as infamous in morals and as deserving of punishment as that of the highwayman or the burglar; and to hesitate or refuse to act when duty calls is hardly less the subject of just reproach. If he is influenced by apprehensions that his character will be attacked, or his motives impugned, or that his judgment will be attributed to the influence of particular classes, cliques or associations, rather than to his own convictions of the law, he will fail lamentably in his high office.

To the intelligent and learned bar of the country the judges must look for their most effective and substantial support. Its members appreciate more than any other class the difficulties and labors and responsibilities of the judicial office; and whilst the most severe and unsparing of critics, they are in the end the most just in their judgments. If they entertain for the judges respect and confidence, if they accord to them learning, integrity and courage, the general public

will not be slow in accepting their appreciation as the true estimate of the judges' character. Sustained by this professional and public confidence, the Supreme Court may hope to still further strengthen the hearts of all in love, admiration and reverence for the Constitution of the United States — the noblest inheritance ever possessed by a free people.

After the rendering of Gillett's "Lion de Bal" by the orchestra, there was to have been "An Address by the President of the United States"; but it was omitted, as the President was detained in Washington by the afflicting calamity which had only the day before fallen upon the family of Mr. Tracy, the Secretary of the Navy,[1] who was himself one of the members of the Committee of the New York State Bar Association. Therefore, after the German Liederkranz Society had sung the Ave Maria; the National Hymn, "My Country, 'tis of Thee"; and a Doxology; the Reverend Doctor Talbot W. Chambers, of the Collegiate Reformed Dutch Church, pronounced a Benediction; and the audience dispersed, the orchestra playing Meyerbeer's "Fackeltanz, in B minor."

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[1] The Vice-President, the Attorney General, and the Reporter of the Court were detained in Washington by the same cause.

II.

THE BANQUET AT THE LENOX LYCEUM, MADISON AVENUE.

Over eight hundred persons sat down to dinner in the Lenox Lyceum, James C. Carter, Esq., of the Bar of the city of New York, presiding and acting as toastmaster.

Across one end of the hall, on a raised platform, in an arc of the Circular Hall, was the guests' table, in the centre of which, facing the audience, was Mr. Carter; and to the right and left of him sat twenty-four other guests, including the Justices of the Supreme Court. The other tables were ranged down the room, at right angles with the guests' table, and were lettered from A to N. Tables A and L, at the extreme left and right, seated each twenty-six persons. Table B, next A to the left, and Table K, next L to the right, each seated fifty persons, each being nearer the centre of the room, and gaining additional length from its circular shape. Tables C, D, E, F, G, H, I and J, situated between B and K, each seated seventy-four persons. Tables M and N were in the arc of the circle opposite the guests' table, and beyond the other tables, and seated eighteen persons each. In addition to these there was a table for the press, with accommodations for sixteen reporters. A plan of the room was given to each person. It showed the arrangements of the table, and the seat to be occupied by each person, and was accompanied by an alphabetical list, designating the table, and the number of the seat at it, assigned to each person; and it thus deprived even the most inveterate grumbler, if such is to be found in the ranks of the law, of the power of complaining that he could not find his place.

In addition to these plans, each person present was furnished with a sumptuously printed pamphlet entitled "Judicial Centennial Banquet given at the Lenox Lyceum, New York, February 4, 1890. — The New York State Bar Association, The American Bar Association, The Association of the Bar of the City of New York." This contained the plans already referred to, and also a list of the "Invited Guests," and another list, entitled "Members of the Associations," with the names of those who had signified an intention to be present. The reporter has necessarily been obliged to

depend upon these lists, supplemented by the personal recollections of some members of the executive committee. Although, in so large a company there may have been, and probably were, some who had intended to come, and who at the last moment stayed away; and others who also at the last moment embraced the opportunity of filling a vacated seat; yet, it is believed that the lists of committees, of invited guests and of members of the Associations present which are contained herein are substantially, if not entirely, accurate. Every name here given is to be found either among the invited guests, or among the members of the Associations, or on the plan of the seats at the tables.

At the table of the Presiding Officer were to have been seated the President, the Vice-President and the Attorney General, all of whom were, as has been said, detained in Washington. There were seated at this table the Chief Justice and Associate Justices of the Supreme Court; Mr. Justice Strong (retired); Mr. Grover Cleveland, Chairman of the Executive Committee; Mr. Matthew Hale of Albany, President of the New York State Bar Association; Mr. Henry Hitchcock of Missouri, President of the American Bar Association; Mr. Frederic R. Coudert of New York, President of the Association of the Bar of the city of New York; Mr. William H. Arnoux of New York city; Mr. Joseph H. Choate of the city of New York; Mr. Hugh J. Grant, Mayor of New York; Mr. William Maxwell Evarts, a Senator in Congress from the State of New York; Mr. Edward M. Paxson, Chief Justice of the Supreme Court of Pennsylvania; Mr. Walter B. Hill of Georgia; the Reverend Dr. William R. Huntington, Rector of Grace Church, New York City; Mr. Seth Low, President of Columbia College, New York; Mr. Chauncey M. Depew of New York; Mr. William Allen Butler of New York; and Mr. Thomas J. Semmes of Louisiana.

In addition to these there were present as guests, Mr. James H. McKenney, Clerk, and Mr. John M. Wright, Marshal, of the Supreme Court; Judge Le Baron B. Colt of the First Circuit, Judge Émile Henry Lacombe of the Second Circuit and Judge Hugh L. Bond of the Fourth Circuit, United States Circuit Judges; Judges Nathan Webb of Maine, Hoyt H. Wheeler of Vermont, Nathaniel Shipman of Connecticut, Charles L. Benedict of the Eastern District of New York, Edward T. Green of New Jersey, Leonard E. Wales of Delaware, William Butler of the Eastern District of Pennsylvania, Robert W. Hughes of the Eastern District of Virginia, John Paul of the Western District of Virginia, Robert A. Hill of the Districts of Mississippi, Henry B. Brown of

the Eastern District of Michigan, J. G. Jenkins of the Eastern District of Wisconsin, Moses Hallett of Colorado and Amos M. Thayer of the Eastern District of Missouri, Judges of United States District Courts; Chief Justice William A. Richardson and Judge Lawrence Weldon of the Court of Claims; and of the Judiciary Committees of Congress, Mr. Evarts on the part of the Senate, already named, and Mr. Stewart of Vermont, Mr. Adams of Illinois, Mr. McCormick of Pennsylvania, Mr. Sherman of New York and Mr. Buchanan of New Jersey, on the part of the House of Representatives.

There were also present the following members of the Highest Appellate and other State Courts, viz.: From *Alabama*, Chief Justice Stone and Associate Justice McClellan; *California*, E. W. McKinsbury, formerly Associate Justice of the Supreme Court, and representing the court; *Connecticut*, Chief Justice Andrews and Associate Justices Carpenter and Loomis; *Delaware*, Chief Justice Comegys and Associate Justices Grubb and Houston; *Louisiana*, Charles E. Fenner, Associate Justice of the Supreme Court; *Maine*, Thomas H. Haskell and Lucilius A. Emery, Associate Justices of the Supreme Judicial Court of that State; *Michigan*, John W. Champlin, Chief Justice of the Supreme Court, and Charles D. Long, Associate Justice; *New Jersey*, Alexander T. McGill, Chancellor of the State, and Manning W. Knapp, Jonathan Dixon and Charles G. Garrison, Judges of the Supreme Court, and Abraham C. Smith, Judge of the Court of Errors and Appeals; *New York*, William C. Ruger, Chief Judge of the Court of Appeals, and Charles Andrews, Rufus W. Peckham, Robert Earl, Francis M. Finch, John C. Gray and Denis O'Brien, Associate Judges; David L. Follett, Chief Judge of the Second Division of the Court of Appeals, and George B. Bradley, Joseph Potter, Irving G. Vaun and Alton B. Parker, Associate Judges of the Second Division of the Court of Appeals and Gorham Parks, Clerk of the Court of Appeals; George C. Barrett, John R. Brady, Charles Daniels, Willard Bartlett, Abraham R. Lawrence and George P. Andrews, Justices of the Supreme Court of the State of New York; Frederick Smyth, Recorder of the city of New York; John Sedgwick, Chief Judge of the Superior Court of the city of New York, and George L. Ingraham, John J. Freedman, Richard O'Gorman, Charles H. Traux and P. Henry Dugro, Judges of that court; Richard L. Larremore, Chief Judge of the Court of Common Pleas of the city of New York, and Joseph F. Daly, Henry Wilder Allen and Henry W. Bookstaver, Judges of that court; *North Dakota*, Guy C. H.

Corliss, Chief Justice of the Supreme Court; *Pennsylvania*, James P. Sterrett, Henry Green, Silas M. Clark, Henry W. Williams and James T. Mitchell, Associate Justices of the Supreme Court; *Rhode Island*, Thomas Durfee, Chief Justice of the Supreme Court, and Pardon E. Tillinghast and John H. Stiness, Associate Justices of that court; *Tennessee*, Horace H. Lurton, Associate Justice of the Supreme Court; *Virginia*, Lunsford L. Lewis, President of the Court of Appeals.

There were also present, as guests: J. Sloat Fassett, President *pro tem.* of the Senate of the State of New York; W. T. Davis, Lieutenant Governor of Pennsylvania; Alfred C. Chapin, Mayor of the city of Brooklyn; A. S. Webb, President of the College of the City of New York; General William T. Sherman, U. S. A.; Right Reverend Henry C. Potter, D.D., LL.D., D.C.L., Bishop of New York; Reverend Morgan Dix, D.D., D.C.L., Rector of Trinity Church, New York; Reverend Talbot W. Chambers, Pastor of the Collegiate Reformed Dutch Church of the city of New York; Reverend W. M. Taylor, D.D., Pastor of Tabernacle Congregational Church, New York City; Reverend R. S. MacArthur, D.D., Pastor of Calvary Baptist Church, New York City; Reverend Henry Van Dyke, D.D., Pastor of Brick Presbyterian Church, New York City; Reverend George Alexander, D.D., Pastor of University Place Presbyterian Church; Archdeacon Alexander Mackay-Smith, D.D.; Thomas F. Bayard, ex-Secretary of State; George F. Danforth; John A. King, President of the New York Historical Society; Irving Browne, Editor *Albany Law Journal;* Patrick Mallon, President Cincinnati Bar Association; Elijah H. Norton, ex-Chief Justice of Missouri; John D. Crimmins of New York; James Legendre of New Orleans; Cyrus W. Field of New York; Professor Theodore W. Dwight of New York; Dr. Sieveking of Hamburg, Germany.

In addition to the twenty-four persons who sat at the chairman's table, and to the sixteen reporters who sat at the reporters' table, about eight hundred persons sat in the body of the hall.

Around the hall, from one end of the stage to the other, were two tiers of boxes. The lower tier was in part given up to the ladies accompanying the court and other guests. The boxes in the upper tier were taken by members of the bar associations.

The first toast of the evening was to "*The President*," to which it had been arranged that the President should respond. In his

absence the company drank the toast standing, and there was no reply.

To the second toast, "*The Supreme Court,*" Mr. Justice Harlan answered as follows:

ADDRESS OF MR. JUSTICE HARLAN.

IN RESPONSE TO THE TOAST, "THE SUPREME COURT OF THE UNITED STATES."

MR. PRESIDENT:

The toast you have read suggests many reflections of interest. But when an attempt is made to give shape to them, in my own mind, the fact confronts me that every line of thought most appropriate to this occasion has been covered by addresses delivered, in another place, by distinguished members of the bar, and by an eminent jurist responding on behalf of the Supreme Court of the United States. They have left nothing to be added respecting the organization, the history, the personnel, or the jurisdiction of that tribunal. It is well that those addresses are to be preserved in permanent form for the delight and instruction of all that are to come after us; especially those who, as judges and lawyers, will be connected with the administration of justice. I name the lawyers with the bench, because upon them, equally with the judges, rests the responsibility for an intelligent determination of causes in the courts, whether relating to public or to private rights. As the bench is recruited from the bar, it must always be that as are the lawyers in any given period, so, in the main, are the courts before which they appear. Upon the integrity, learning and courage of the bar largely depends the welfare of the country of which they are citizens; for, of all members of society, the lawyers are best qualified by education and training to devise the methods necessary to protect the rights of the people against the aggressions of power. But they are, also, in the best sense, ministers of justice. It is not true, as a famous lawyer once said, that an advocate, in the discharge of his duty, must know only his client. He owes a duty to the court of which he is an officer, and to the community of which he is a member. Above

all, he owes a duty to his own conscience. He misconceives his high calling if he fails to recognize the fact that fidelity to the court is not inconsistent with truth and honor, or with a fearless discharge of duty to his client. It need scarcely be said in this presence that the American Bar have met all the demands that the most scrupulous integrity has exacted from gentlemen in their position.

In the addresses to-day much was said of the Supreme Court of the United States that was gratifying as well to those now members of that tribunal as to all who take pride in its history. But, Mr. President, whatever of honor has come to that court for the manner in which it has discharged the momentous trust committed to it by the Constitution must be shared by the bar of America. "Justice, sir," (I use the words of Daniel Webster,) "is the great interest of man on earth. It is the ligament which holds civilized beings and civilized nations together. Wherever her temple stands, and so long as it is duly honored, there is a foundation for social security, general happiness, and the improvement and progress of our race. And whoever labors on this edifice with usefulness and distinction, whoever clears its foundations, strengthens its pillars, adorns its entablatures, or contributes to raise its august dome still higher in the skies, connects himself, in name and fame and character, with that which is and must be as durable as the frame of human society." The Temple of Justice which has been reared in this fair land is largely the work of our lawyers. If there be security for life, liberty and property, it is because the lawyers of America have not been unmindful of their obligations as ministers of justice. Search the history of every State in the Union, and it will be found that they have been foremost in all movements having for their object the maintenance of the law against violence and anarchy; the preservation of the just rights both of the government and of the people.

I read recently a brief speech by Mr. Gladstone, at a banquet given many years ago in honor of the great French advocate, Berryer. He had visited the south of Europe, and witnessed there much cruel oppression of the people. The executive power, he said, not only had broken the law, but had established in its place a system of arbitrary will. He found, to

use his own words, that the audacity of tyranny, which had put down chambers and municipalities and extinguished the press, had not been able to do one thing — to silence the bar. He, himself, heard lawyers in courts of justice, undismayed by the presence of soldiers, and in defiance of despotic power, defend the cause of the accused with a fearlessness that could not have been surpassed. He was moved, on that occasion, to say of the English Bar, what may be truly said of the American Bar, that its members are inseparable from our national life; from the security of our national institutions.

It has been said of some of the judgments of the Supreme Court of the United States that they are not excelled by any ever delivered in the judicial tribunals of any country. Candor, however, requires the concession that their preparation was preceded by arguments at its bar of which may be said, what Mr. Justice Buller observed of certain judgments of Lord Mansfield, that they were of such transcendent power that those who heard them were lost in admiration "at the strength and stretch of the human understanding."

Mr. President, I am unwilling to pass from this subject without saying what it is but just to say, that the bar of this imperial State has furnished its quota — aye more than its quota, to the army of great lawyers and advocates, who, by their learning, eloquence and labors, have aided the courts of the Union, as well as those of the States, in placing our constitutional system upon foundations which, it is hoped, are to endure for ages. Not to speak of the living, and not to name all the dead who have done honor to the legal profession in this State, I may mention Alexander Hamilton, "formed for all parts, in all alike he shined, variously great," William H. Seward, John C. Spencer, Thomas Addis Emmet, John Wells, George Wood, Joshua A. Spencer, Benjamin F. Butler, Daniel Lord, John Duer, James T. Brady, Ogden Hoffman, Charles O'Conor and Roscoe Conkling. Gentlemen of the bar of New York, you have in these and other great names upon the roll of lawyers and advocates given to the country by your State, an inheritance beyond all price.

But, sir, while the Supreme Court of the United States is indebted to the bar of the country for its invaluable aid in

the administration of justice, it is still more indebted to the highest courts of the several States, and to the Circuit and District Courts of the Union. Many distinguished members of those courts — judges whose learning and integrity are everywhere recognized — have honored this occasion by their presence. But it is a most felicitous circumstance that we have with us the full bench of the New York Court of Appeals, of whose bar we are guests upon this occasion. Who can adequately estimate, who can overstate the influence for good upon American jurisprudence which has been exerted by the learned judgments delivered by those who have graced the bench of this proud State? Kent, Livingston, Thompson, Spencer, Jones, Nelson, Oakley, Savage, Walworth, Marcy, Bronson, Denio and Selden, not to mention others, will be remembered as long as the science of law has votaries. If what they wrote were obliterated altogether from our judicial history, a void would be left in American jurisprudence that could not be filled. Indeed, the history of American law could not well be written without referring to the judgments and writings of those eminent jurists.

And here it is appropriate to say that the duty of expounding the Constitution of the United States has not devolved alone upon the courts of the Union. From the organization of our government to the present time that duty has been shared by the courts of the States. Congress has taken care to provide that the original jurisdiction of the courts of the Union of suits at law and in equity arising under the Constitution and laws of the United States, or under treaties with foreign countries, shall be concurrent with that of the courts of the several States. This feature of our judicial system has had much to do with creating and perpetuating the feeling that the government of the United States is not a foreign government, but a government of the people of all the States, ordained by them to accomplish objects pertaining to the whole country, which could not be efficiently achieved by any government except one deriving its authority from all the people.

As we stand to-night in this commercial metropolis, where the government created by the Constitution was organized, and where the supreme judicial tribunal of the Union held

its first session, it is pleasant to remember that all along its pathway that court has had the cordial coöperation and support of the highest court of this, the most powerful of all the States. The Supreme Court of the United States, and the highest court of New York, have not always reached the same conclusions upon questions of general law, nor have they always agreed as to the interpretation of the Constitution of the United States. But, despite these differences, expressed with due regard to the dignity and authority of each tribunal, they have stood together in maintaining these vital principles enunciated by the Supreme Court of the United States:

That while the preservation of the States, with authority to deal with matters not committed to national control, is fundamental in the American constitutional system, the Union cannot exist without a government for the whole;

That the Constitution of the United States was made for the whole people of the Union, and is equally binding upon all the courts and all the citizens;

That the general government, though limited as to its objects, is yet supreme with respect to those objects, is the government of all, its powers are delegated by all, it represents all, and acts for all; and,

That America has chosen to be, in many respects and to many purposes, a nation, and for all these purposes her government is complete, to all these objects it is competent.

Mr. President, a few words more. The members of the Supreme Court of the United States will return to their post of duty, with grateful thanks for the opportunity given them to participate in these Centennial exercises. It has been good for us to be here. You have given us, gentlemen, renewed reason to think that the court of which we are members is regarded with affection and confidence by the bar of the country, and that as long as it shall be equal to the tremendous responsibilities imposed upon it, that affection and confidence will not be withdrawn.

We have met here to celebrate the organization of that court, in this city, one hundred years ago — a tribunal fitly declared to be the living voice of the Constitution. Within

that period the progress of the nation in all that involves the material prosperity and the moral elevation of the people, has exceeded the most sanguine expectations of those who laid the foundations of our government. But its progress in the knowledge of the principles upon which that government rests, and must continue to rest, if it is to accomplish the beneficent ends for which it was created, is not less marvellous. It was once thought by statesmen whose patriotism is not to be doubted, that the power committed to the courts of the Union, especially to the Supreme Court of the United States, would ultimately destroy the independence, within their respective spheres, of the coördinate departments of the national government, and even endanger the existence and authority of the state governments. But the experience of a century, full of startling political and social changes, has shown not only that those apprehensions were groundless, but that the Father of our Country was right when he declared, in a letter to the first Chief Justice of the United States, that the judicial department was the keystone of our political fabric. Time has grandly vindicated that declaration. All now admit that the fathers did not err when they made provision, in the fundamental law, for "one Supreme Court," with authority to determine, for the whole country, the true meaning and scope of that law. The American people, after the lapse of a century, have a firm conviction that the elimination of that court from our constitutional system would be the destruction of the government itself, upon which depends the success of the experiment of free institutions resting upon the consent of the governed. That those institutions, which have answered "the true ends of government beyond all precedent in human history," may be preserved in their integrity; that our country may, under all circumstances, be an object of supreme affection by those enjoying the blessings of our republican government; and that the court whose organization you have assembled to commemorate may, in its membership as well as in its judgments, always meet the just expectations of the people, is the earnest wish of those to whom you have, on this occasion, done so much honor.

The third toast was "*The Congress*"; answered by Mr. Senator Evarts. The fourth was "*The Judiciary of the States*"; acknowledged by Chief Justice Paxson, of the Supreme Court of the State of Pennsylvania. The fifth was "*The Common Law*"; to which Mr. Walter B. Hill of Georgia responded. Mr. Wayne McVeagh of Pennsylvania was to have spoken to the sixth toast, "*The Bar*"; in his absence the reply was made by Mr. Joseph H. Choate of New York. The Reverend Dr. Huntington, Rector of Grace Church, New York, responded to the seventh, "*The Clergy*"; Mr. Seth Low, President of Columbia College, to the eighth, "*The University*"; and Mr. Chauncey M. Depew of New York, to the ninth, "*Our Clients.*"

NOTE.

MEMBERS OF THE ASSOCIATIONS PRESENT, ACCORDING TO THE OFFICIAL LISTS.

Austin Abbott, Samuel G. Adams, Frederick W. Adee, Louis Adler, Mortimer C. Addoms, John G. Agar, Charles B. Alexander, R. C. Alexander, E. Ellery Anderson, Henry H. Anderson and John H. V. Arnold of New York City; Henry B. Atherton of Nashua, N. H.; Addison Atwater, Henry G. Atwater, Joseph S. Auerbach, Lemuel H. Babcock and Henry C. Backus of New York City; George F. Baer of Reading, Pa.; Edward R. Bacon and Edwin Baldwin of New York City; Simeon E. Baldwin of New Haven, Conn.; Charles W. Bangs, F. Sedgwick Bangs, J. Arthur Barratt, Horace Barnard and Lewis T. Barney of New York City; Pope Barrow and Franklin Bartlett of Athens, Ga.; George H. Bates of Wilmington, Del.; William M. Baxter of Knoxville, Tenn.; J. W. B. Bausman of Lancaster, Pa.; Benjamin H. Bayliss, Charles F. Beach, Jr., Edmund E. Bayliss, John Alexander Beall, Charles C. Beaman and Henry R. Beekman of New York City; Charles U. Bell of Lawrence, Mass.; Clark Bell, Robert D. Benedict and Russell Benedict of New York City; W. S. Benedict of New Orleans, La.; E. H. Benn, H. W. Bentley, Charles Benner and Arthur Berry of New York City; Walter V. R. Berry of Washington, D. C.; Edward D. Bettens, Frederic H. Betts, George F. Betts and Samuel R. Betts of New York City; A. Sydney Biddle of Philadelphia, Pa.; Franklin Bien of New York City; George E. Bird of Portland, Me.; Clarence F. Birdseye and James L. Bishop of New York City; James L. Blair of St. Louis, Mo.; James A. Blanchard, Charles Blandy and Samuel A. Blatchford of New York City; W. H. Blodgett of St. Louis, Mo.; Alexander Blumenstiel and Edward C. Boardman of New York City; Herbert Boggs of Newark, N. J.; J. B. Bogart and George B. Bonney of New York City; Charles Borcherling of Newark, N. J.; S. Borrowe, Charles F. Bostwick, C. N. Bovee, Jr., A. F. Bowers,

John M. Bowers, William Bradford, Charles O. Brewster, Arthur v. Briesen, Osborn E. Bright, William B. Bristow, F. A. Brooks, George M. Brooks, Augustus C. Brown, Edwin H. Brown, Edward F. Brown, Silas B. Brownell, Charles H. Brush and Harold C. Bullard of New York City; Jacob F. Burcket of Findlay, Ohio; Chas. C. Burlingham, Henry L. Burnett, Middleton S. Burrill, J. Adriance Bush, Eugene L. Bushe, David F. Butcher, Charles Butler, Charles Henry Butler, William Allen Butler, Jr., James Byrne, John L. Cadwalader and Delano C. Calvin of New York City; John H. Camp of Lyons, N. Y.; Patrick Calhoun of Atlanta, Ga.; Frederick W. Cameron of Albany, N. Y.; Flamen B. Candler of New York City; Peter Cantine of Saugerties, N. Y.; Jacob A. Cantor, Michael H. Cardozo, W. C. Cardozo, Philip Carpenter, Clarence Cary, Charles W. Cass, Henry Phelps Case, John J. Chapman, Lucien B. Chase and George Chase of New York City; William M. Chase of Manchester, N. H.; Simon B. Chittenden, Lucius E. Chittenden and Joseph H. Choate of New York City; Charles A. Clarke of Oswego, N. Y.; Thomas Allen Clarke of Albany, N. Y.; Jefferson Clarke and Samuel B. Clarke of New York City; Alphonso T. Clearwater of Kingston, N. Y.; Nathaniel H. Clement of Brooklyn, N. Y.; Nathan Cleaves of Portland, Me.; Treadwell Cleveland of New York City; Charles W. Clifford of New Bedford, Mass.; Edward S. Clinch, W. Bourke Cochran, Edwin W. Coggeshall, William N. Cohen and James C. Colgate of New York City; James F. Colby of Hanover, N. H.; Hugh L. Cole of New York City; Casper P. Collier and Frederick J. Collier of Hudson, N. Y.; M. Dwight Collier and Joseph I. Connaughton of New York City; J. Hervey Cook of Fishkill, N. Y.; Martin W. Cooke of Rochester, N. Y.; J. C. Cowin of Omaha, Neb.; Charles Coudert of New York City; Esek Cowen of Albany, N. Y.; Macgrane Coxe, Paul D. Cravath, John K. Creevey, Fred. Cromwell and William N. Cromwell of New York City; Adelbert Cronise of Rochester, N. Y.; William B. Crosby of New York City; David Cross of Manchester, N. H.; James R. Cuming, F. Kingsbury Curtis, William E. Curtis, William J. Curtis, Charles M. Da Costa, Charles P. Daly, Charles H. Daniels, George S. Daniels and Thomas Darlington of New York City; Nathaniel Davenport of Troy, N. Y.; William B. Davenport, George T. Davidson, Charles A. Davison, Julien T. Davies, William G. Davies, Noah Davis, W. C. Davis, Charles Stewart Davison, Melville C. Day, F. DeFolsom, Lewis L. Delafield, Edward F. DeLancey, Horace E. Deming, Geroge G. DeWitt, Jr., Francis C. Devlin, Herbert E. Dickson, —— Dickson, Frederick J. Dieter, John F. Dillon and Abram J. Dittenhoefer of New York City; George M. Diven of Elmira, N. Y.; Samuel C. T. Dodd, R. Clarence Dorsett and Spencer C. Doty of New York City; Henry M. Duffield of Detroit, Mich.; John Duer of New York City; John F. Duncombe of Fort Dodge, Iowa; Frank J. Dupignac, Anthony R. Dyett, Robert T. B. Easton, Sherburne B. Eaton, Charles H. Edgar, Alfred L. Edwards, Walter Edwards, Walter D. Edmonds, Stephen B. Elkins, George W. Ellis and Alfred Ely of New York City; William C. Endicott of Salem, Mass.; Thomas G. Evans and Thomas Ewing of New York City; Charles H. Farnam of New Haven, Conn.; Charles S. Fairchild and Thomas L. Feitner of New York City; Joseph W. Fellows of Manchester, N. H.; David Dudley Field and William L. Findley of New York City; Frederick P. Fish of Boston, Mass.; William A. Fisher of Baltimore,

Md.; James M. Fisk, Haley Fiske, Ashbel P. Fitch, Charles A. Flammer and George Fleming of New York City; James Flemming of Jersey City, N. J.; Martin D. Follett of Marietta, Ohio; William Forster of New York City; J. Frank Fort of Newark, N. J.; Frederic De P. Foster, Roger Foster, Robert L. Fowler, Austen G. Fox and Ruford Franklin of New York City; Horace W. Fuller of Boston, Mass.; Paul Fuller, Stephen W. Fullerton, A. Gallup and Hugh R. Garden of New York City; Henry Wise Garnett of Washington, D. C.; Theodore S. Garnett of Norfolk, Va.; A. Q. Garretson of Jersey City, N. J.; Elbridge T. Gerry, Daniel L. Gibbens and James M. Gifford of New York City; N. S. Gilson of Fond du Lac, Wis.; L. Spencer Goble, Lawrence Godkin, H. Godwin, Morris Goodhart, Almon Goodwin, Solomon J. Gordon, L. A. Gould, J. F. Graham and Alexander Grant, Jr., of New York City; Robert S. Green of Elizabeth, N. J.; Samuel H. Grey, of Camden, N. J.; W. Morton Grinnell, Almon W. Griswold, Henry A. Gumbleton and William D. Guthrie of New York City; James Hagerman of Kansas City, Mo.; Ernest Hall, George A. Halsey, Samuel B. Hamburger and A. J. Hammersley, Jr., of New York City; William Hamersley of Hartford, Conn.; Clifford A. Hand and Solomon Hanford of New York City; Nathan S. Harwood of Lincoln, Neb.; Roswell D. Hatch and Edward S. Hatch of New York City; J. Frank E. Hause of West Chester, Pa.; Gilbert R. Hawes, Granville P. Hawes and Eugene D. Hawkins of New York City; Alfred Hemenway of Boston, Mass.; Joseph Hemphill of West Chester, Pa.; Morton P. Henry of Philadelphia, Pa.; G. H. Hepworth, George Hill, James K. Hill and John L. Hill of New York City; Arthur W. Hickman of Buffalo, N. Y.; Edward Otis Hinckley of Baltimore, Md.; Fred. W. Hinrichs and Elizur B. Hinsdale of New York City; M. H. Hirschberg of Newburgh, N. Y.; Henry Hitchcock, Jr., of St. Louis, Mo.; George Hoadly and J. Aspinwall Hodge, Jr., of New York City; James H. Hoffecker, Jr., of Wilmington, Del.; Daniel J. Holden, Artemas H. Holmes, Jabish Holmes, Jr., George C. Holt, Henry F. Homes, William B. Hornblower, George P. Hotaling, John W. Houston, W. T. Houston, Henry E. Howland, Grosvenor S. Hubbard, Thomas H. Hubbard, Charles Burkley Hubbell and Charles E. Hughes of New York City; Ward Hunt of Utica, N. Y.; Waldo Hutchins of New York City; John A. Hutchinson of Parkersburg, W. Va.; E. Francis Hyde, J. E. Hindon Hyde, John B. Ireland, William Irwin, William M. Ivins, Meyer S. Isaacs, Theodore F. Jackson and Abraham S. Jacobs of New York City; John Jay of Katonah, N. Y.; William Jay, William M. Jenks, William A. Jenner, Frederic B. Jennings, Eugene M. Jerome, Charles H. Johnson and Edgar M. Johnson of New York City; Leonard A. Jones of Boston, Mass.; Samuel Jones and W. R. T. Jones of New York City; Frederick N. Judson of St. Louis, Mo.; George R. Kaercher of Philadelphia, Pa.; A. Q. Keasbey of Newark, N. J.; A. J. Kauffman of Columbia, Pa.; Boudinot Keith of New York City; Justin Kellogg of Troy, N. Y., Richard B. Kelly, Andrew Wesley Kent, Alan D. Kenyon, Robert N. Kenyon and William H. Kenyon of New York City; Thomas B. Keogh of Greensboro, S. C.; Francis Kernan and Nicholas E. Kernan of Utica, N. Y.; Edward C. Kehr of St. Louis, Mo.; John B. Kerr, Alexander P. Ketchum, David Bennett King, Antoine Knauth and Sherman W. Knevals of New York City; A. Leo Knott of Washington, D. C.; Charles H. Knox, Eugene G. Kremer,

Joseph Kunzmann, Charles E. Le Barbier and Samson Lachman of New York City; Nathaniel W. Ladd of Boston, Mass.; Gilbert D. Lamb of New York City; T. A. Lambert of Washington, D. C.; Charles L. Lamberton of New York City; Judson S. Landon of Schenectady, N. Y.; William J. Lardner, John Larkin, Joseph Larocque, Wilbur Larremore, William G. Lathrop, Jr., and Edward Lauterbach of New York City; Alexander R. Lawton of Savannah, Ga.; Francis Lawton, John Brooks Leavitt, Lewis Cass Ledyard, Benjamin F. Lee, William H. L. Lee, Theodore E. Leeds, David Leventritt, John V. B. Lewis and Thomas S. Lewis of New York City; Charles F. Libby of Portland, Me.; John Lindley, Robert F. Little, Stephen H. Little, Fred. M. Littlefield, Walter S. Logan and George De Forest Lord of New York City; William G. Low of Brooklyn, N. Y.; E. T. Lovatt of Tarrytown, N. Y.; Grosvenor Lowrey, Charles E. Lydecker, Julius J. Lyon, Wallace Macfarlane, John J. Macklin, Harry W. Mack, William F. MacRae, Albon P. Man, Howard Mansfield and Charles M. Marsh of New York City; Craig A. Marsh of Plainfield, N. J.; Charles C. Marshall and Jonathan Marshall of New York City; Joshua N. Marshall of Lowell, Mass.; John T. Mason of Baltimore, Md.; Arthur H. Masten and Albert Mathews of New York City; Lawrence Maxwell, Jr., of Cincinnati, Ohio; Thomas N. McCarter of Newark, N. J.; Emlin McClain of Iowa City, Ia.; John J. McCook, Allan McCulloh and Andrew McKinley, Jr., of New York City; P. B. McLennan of Syracuse, N. Y.; Charles McLouth of Palmyra, N. Y.; Charles MacVeagh and Mr. McShane of New York City; P. W. Meldrim and George A. Mercer of Savannah, Ga.; George G. Mercer of Philadelphia, Pa.; Rodney A. Mercur of Towanda, Pa.; Payson Merrill, Theodore F. H. Meyer and Charles E. Miller of New York City; E. Spencer Miller of Philadelphia, Pa.; Hoffman Miller, J. Bleecker Miller, Jacob F. Miller, Robert S. Minturn, Edward Mitchell, John Murray Mitchell and William Mitchell of New York City; R. Jones Monaghan of West Chester, Pa.; Thomas S. Moore, W. H. H. Moore, Henry Lewis Morris, Jamin S. Morse, Waldo G. Morse and Raphael J. Moses, Jr., of New York City; E. B. Movius of Buffalo, N. Y.; Robert G. Monroe, J. Archibald Murray, John B. Murray, Isaac Myer, Nathaniel Myers, Stephen P. Nash, Daniel Nason and Edgar J. Nathan of New York City; Homer A. Nelson of Poughkeepsie, N. Y.; Clement S. Nettles of Darlington, S. C.; Richard S. Newcombe and DeLancey Nicoll of New York City; Hugh M. North of Columbia, Pa.; Carlisle Norwood of New York City; —— O'Brien of Michigan; Hamilton Odell, Thomas Ludlow Ogden and J. Van Vechten Olcott of New York City; J. B. Olney of Catskill, N. Y.; Peter B. Olney and William S. Opdyke of New York City; Alfred Orendorf of Springfield, Ill.; Thomas S. Ormiston, William C. Orr, William E. Osborn and A. Walker Otis of New York City; Henry W. Palmer of Wilkesbarre, Pa.; Cortlandt Parker of Newark, N. J.; Frederick S. Parker of New York City; R. Wayne Parker of Newark, N. J.; Winthrop Parker of New York City; Roswell A. Parmenter of Troy, N. Y.; Randolph Parmly, Edward L. Parris, Samuel L. Parrish, Frank H. Parsons and John E. Parsons of New York City; Charles E. Patterson of Troy, N. Y.; C. Stuart Patterson of Philadelphia, Pa.; Wheeler H. Peckham, Robert D. Petty, Myron H. Phelps, Eugene A. Philbin, Moritz B. Philipps, Winslow S. Pierce, George M. Pinney, Frank H. Platt, Frederick Potter,

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