

APPENDIX.

In Memoriam.

JOSEPH P. BRADLEY, LL.D.

MR. JUSTICE BRADLEY died at his residence in Washington on the morning of Friday, January 22, 1892. On the coming in of the court, on that day, the Chief Justice said: "Since the adjournment yesterday a very heavy loss has befallen the country and the court, and a great sorrow been visited upon us in the death of Mr. Justice Bradley. The court will not proceed with business, but will adjourn until Tuesday next at the usual hour, when motions noticed for Monday will be entertained."

On the following Sunday, brief services were held at the house of the deceased in Washington, and on Monday, the 25th, the remains, accompanied by the family, and by the court and its officers, were taken to Newark, New Jersey, where, after public funeral services in the North Reformed Church, on Broad Street, they were buried.

At noon on Saturday, the 6th day of February, 1892, the bar of the Supreme Court of the United States and the officers of the court met in the court room in the Capitol, to take action in this matter. The meeting was called to order by J. Hubley Ashton, Esq., of the District of Columbia. On his motion, George Gray, Esq., of Delaware, was called to the chair, and James H. McKenney, Esq., Clerk of the court, was requested to act as Secretary.

On motion of George Harding, Esq., of Pennsylvania, the chair appointed George Frisbie Hoar, Esq., of Massachusetts, George Harding, Esq., Cortlandt Parker, Esq., of New Jersey, J. Hubley Ashton, Esq., Thomas J. Semmes, Esq., of Louisiana, Joseph H. Choate, Esq., of New York, John T. Morgan, Esq., of Alabama, and John B. Henderson, Esq., of Missouri, a committee to prepare and report resolutions for consideration and adoption by the meet-

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ing. Mr. Harding, on behalf of the committee, reported a series of resolutions which, after remarks by Mr. Parker, Mr. Harding, Mr. A. Q. Keasbey, of New Jersey, Mr. Samuel Dixon, of Pennsylvania, and Mr. J. Dixon, of New Jersey, were unanimously adopted; after which, on motion of Mr. Ashton, the meeting adjourned.

On Monday, the 7th of March, 1892, MR. ATTORNEY GENERAL, in compliance with the request of the bar, presented these resolutions to the court with the following remarks:

MAY IT PLEASE THE COURT: On the 6th day of February last, the bar of this court adopted a memorial which I now have the honor to present:

"Resolved, That the members of the bar of the Supreme Court of the United States desire to record their sense of the loss that has come to the profession and to the nation in the death of Joseph P. Bradley, Justice of this court.

"He brought to the bench long experience, great energy, strong and patriotic convictions, a scholarship as wide and varied as it was thorough and exact, and an unyielding courage. He was at the same time one of those rare characters in which vast learning is united with intense activity and business capacity; a master of men as well as books, practical as well as theoretical.

"During his long service here he has more than done every duty, growing constantly in his work and in the regard of his fellows and of the nation, until, in the fullness of age, rounded and softened by years of judicial duty, gentle scholarship and labor for the people, he has passed away lamented by the bar, the bench, and the country that he served; a life complete, with a large place in history among the creators and moulders of our national jurisprudence.

"Resolved, That a copy of these resolutions be presented by the president and secretary of this meeting to the family of Mr. Justice Bradley, with the sincere sympathy of the profession in their bereavement, and that the Attorney General be requested to present to the Supreme Court, in session, the proceedings of this meeting."

These occasions are recurring with painful frequency. In each of the years 1887, 1888, 1889, 1890, and now again at the threshold of 1892, an honored member of this court has been summoned into

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that presence of inconceivable solemnity, where all must appear at last to answer for duty done or duty neglected. Well may the bar and the court say they are "becoming reluctant to grant these, their last highest honors." Yet neither in length of days, nor in their results, is the end of the life of Justice Bradley untimely. Having passed the limit prescribed by the Psalmist, and "by reason of strength" attained almost fourscore years, all the journey rich and useful in the fruits of his talents, his industry, and his learning, "like the mildness, the serenity, the continuing benignity of the summer's day he has gone down with slow, descending, grateful, long-lingering light," the radiance of the evening giving sure promise of a morning and a morrow of endless brightness.

The oldest of eleven children, of Puritan New England lineage, Joseph P. Bradley was born on a farm in Albany County, New York, on the 14th day of March, 1813, and, therefore, on January 22d last, the day of his death, was near the end of his seventy-ninth year.

The means of his parents, who at his birth were only nineteen years old, were slender, and the circumstances of his childhood and youth were very hard. The little farm was rugged, almost mountainous, the soil thin and barren. The meagre crops were eked out by cutting wood from the hillsides and burning it into charcoal, which young Bradley peddled about the streets of Albany. But though sore pressed to supply the needs of their fast-growing flock, this father and mother were of the intelligent farmer class, so often ambitious to give their children a better chance than their own, and they did for their boy the best they could. A few months' country school in winter, and a few books, were the foundation on which a great superstructure of learning was built, a foundation which, with all due respect to so-called improved school systems and modern methods, it is believed was all the better for the ambitious boy, because the opportunities were rare and the few books so entirely mastered. In the intervals of necessary work we can imagine this boy, in garments homespun and homemade, every thread and every stitch inwoven with the warmth of a mother's love, slight of form but full of life and energy, quick of motion and quick of temper, eager and apt in all the sports with his fellows, but even more eager and more apt in the use of his slight opportunities, by book or school, to feed the beginnings of that

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hunger of the mind which was the spur of his whole life and which to the last was insatiable.

At sixteen this boy, with so few advantages, instead of a pupil became the teacher of a winter school, an occupation continued for four seasons. This was the best possible training, because it necessitated thoroughness. As a pupil one may get along with superficial knowledge. Before one can instruct, he must not merely know, but he must know how and why and for what purpose; he must know not merely facts, but principles. At twenty, entering the freshman class at Rutgers, with a very meagre preparation in Greek and Latin, at the end of the year he had, nevertheless, made such progress as to jump the sophomore and enter the junior class, and was graduated two years later with the late Secretary Frelinghuysen, Governor Newell and Cortlandt Parker, all eminent in the law and in public affairs.

Mr. Parker says that Bradley was *facile princeps* in his class, though compelled to miss the last term of his course, in order, by teaching, to earn money to pay his way.

Of many incidents of his student life, suggestive of his future character and achievements, time forbids to speak. They all prophesied a man of integrity, of industry, and of notable talents.

Young Bradley does not seem to have been strikingly precocious — was not a genius like Grotius or Hamilton, striding at once to the front of his profession. His first years at the bar, as with most young men, were a struggle; his success and greatness were a growth, the result of days of toil and nights of study. The unfolding of the law to him is admirably described in his own language :

“As in the creation we may suppose that the light of the stars did not all burst upon man at a single moment, but came upon him from their distant chambers in successive beams one after another, according to their recondite stations in space, so in the study of the law one great principle after another comes to the yearning mind and overspreads it with light and gladness; and many long years may elapse before one can feel that he has really mastered the law and fully obtained the ‘gladsome light of jurisprudence’ spoken of by Lord Coke.”

As a student and as a man a most striking trait of his character was thoroughness. He studied almost everything, and whatever he studied became his own, a part of his very self.

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In concluding the address (already quoted from) delivered by him before the students of the law school of the University of Pennsylvania in 1884, an address worthy the pen of Blackstone, Justice Bradley pictured the ideal lawyer as follows: "To sum up all in one word, in order to be an accomplished lawyer it is necessary, besides having a knowledge of the law, to be an accomplished man, graced with at least a general knowledge of history, of science, of philosophy, of the useful arts, of the modes of business, of everything, in fact, that concerns the well-being and intercourse of men in society. He ought to be a man of large understanding; he must be a man of large acquirements and rich in general information, for he is a priest of the law, which is the bond and support of civil society, and which extends to and regulates every relation of one man to another in that society, and every transaction that takes place in it. Trained in such a profession and having these acquirements and two things more, which can never be omitted from the category of qualifications—incorruptible integrity and a high sense of honor—the true lawyer cannot but be the highest style of a man, fit for any position of trust, public or private; one to whom the community can look up as a leader and guide; fit to judge and to rule in the highest places of magistracy and government, an honor to himself, an honor to his kind."

Studying his life and its results, one is impressed that this picture was ever before him. By a long life of striving, probably more nearly than any one of his time, he attained to that lofty ideal.

Of Sir Thomas More, the first layman commoner to become lord chancellor, and who was wiser than his contemporaries by at least three hundred years, it is said that "he was perfecting himself in most of the liberal sciences, as music, arithmetic, geometry, astronomy, and growing to be a perfect historian." So of Judge Bradley. While the law was his business and the great study of his life, many, perhaps I should say most, other fields of knowledge were diligently cultivated, not only as recreations, but as auxiliary to his profession; mathematics, for which he had a special fondness and aptitude, and which he pursued with delight into its most abstruse applications, astronomy, theology, biblical criticism, languages, literature, science, political economy, in short, he seemed to have studied almost everything, and to have made a part of himself all that his thought had touched. Yet wide and profound as

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were the general researches of this great man, they were only subsidiary to his work in the law. For thirty years he studied and practised his profession in all its branches with great diligence and great success.

William Pinkney is said to have declared that, in his time, only two men at the bar of the United States had mastered Coke upon Littleton — Chief-Justice Parsons and himself. Indeed, to acquire a thorough knowledge of English and American jurisprudence, as administered in the courts of law, chancery, and admiralty, is a life task, to be accomplished only by large abilities under the spur of high ambition. Add to this a thorough acquaintance with the jurisprudence of republican and imperial Rome, with the Code Napoléon, and generally with the laws of continental Europe, and we approximate the strictly professional resources of this great lawyer and judge. Indeed, to speak the truth of this man's marvellous learning is to invite the charge of exaggerated eulogy. Yet neither in his writings nor in personal intercourse was there any display by Justice Bradley of his acquirements. One was impressed, not with what he knew, but with what he was and what he did. All that he learned enlarged the man; it did not merely add to the load of his possessions.

He was a modest man.

“Knowledge is proud that he has learned so much;
Wisdom is humble that he knows no more.”

Nor was Justice Bradley simply a student, a man of learning. He was a practical business man, a man of affairs — a man to be called upon where large business interests were to be handled — a patriot, not only wise in council, but capable, energetic, and efficient in action when the government was in peril, when troops were to be raised, transportation furnished, and men, munitions and supplies hurried to the front.

Prior to his appointment to this bench Mr. Bradley never held a public office; yet no man was more active and influential, by word and deed, on the side of whatsoever things were just and of good report in his city and State.

His study of the law was not as something abstract, speculative, lifeless, but in its relations to society — yea, as the very essence, the lifeblood of civil society, even as the surgeon studies the life of his living subject. He had not the gift of eloquence, as the

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term is generally understood in its relation to juries; but he had what is vastly more important to a lawyer and a judge, the power of clear, terse, vigorous statement, which, illuminating the subject under discussion, if it does not enlist the feelings, does convince the understanding.

Politically his affinity was rather in the school of Hamilton than of Jefferson. He believed that, in framing the Federal Constitution, the fathers intended to create a nation, a sovereign among the sovereigns of the earth; and, his judgment approving their work, he omitted no opportunity to assert and vindicate that sovereignty. Hence in his decisions upon constitutional questions, whether arising out of economic or quasi political issues, the national idea always appears, even as the strand royal in the woof of all the banners of Britain.

Of the quality and measure of his work as a justice of this court, running through near sixty volumes of the reports, there is no need to speak. With all his learning, with all his familiarity with reported decisions, Justice Bradley's opinions rarely rest primarily on adjudged cases. They are bottomed in principle, and then, when practicable, buttressed by authority. The principle involved is clearly stated, with its necessary logical results, and cases are cited to show that, on similar facts, like deductions have approved themselves to other judges — been sanctioned by other courts. The conclusion is right, not because others have said so, but others with him have said so, because it is right. Being what he was, the work of Justice Bradley could not be less than what it is — worthy of the man, an honor to the great court and the great country for which he spoke. His opinions are their own eulogy, the best, the most enduring monument to the fame of their author.

But let no jurist suppose that popular fame awaits him. Such honors are for more showy service, for men on horseback, or for those in political life who touch the people's heart — excite national enthusiasm. The laws of society like the laws of nature work unseen and in silence. The principle of gravitation, pervading and regulating the material universe, was unnoted by men for near six thousand years. If the law herself, omnipresent and all-beneficent, excites so little interest, her priests, quietly ministering in her temple, must be content with respect and veneration. They may not hope for popular applause.

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Justice Bradley was a Christian man, cherished the domestic virtues in his home, was a good neighbor, and a good citizen. He tried always to preserve a conscience void of offence toward God and man. Charges against his integrity or honor fell away from him as hurtless as hail from the face of yonder monument. To assert that such endowments, enriched by such cultivation, have perished, that the light of such a life has sunk in endless night, is to impeach the economy of nature.

Justice Bradley was a great lawyer, a great magistrate, a great man. He exalted the tribunal wherein he sat; he enlarged the measure of the place he occupied. His successor will in due time be appointed; his place will not soon be filled.

MR. CHIEF JUSTICE FULLER responded as follows:

We receive the memorial of the bar and the address of the Attorney General as deserved tributes to the eminent man, whose labors have illuminated the conclusions of this tribunal, and whose gracious presence has been to its members a source of inspiration and fraternal regard for so many years. We, indeed, sorrow deeply that we shall see his face no more.

The story of the lives of those who have triumphed over adverse circumstance and by indomitable will and industry attained that greatness in usefulness and in fame to which their mental gifts entitled them, is always full of interest and instruction, and in portraying the early difficulties surmounted by our departed brother, the Attorney General has justly called attention to the impressive lesson taught, in that particular, by his career, and indicated one of the most striking grounds of the success with which that career was attended. For the capacity for unremitting intellectual toil was his, accompanied by that power of concentration wherein lies the secret of mastery.

He had not only the "inquiring" but the "intending" mind. He not only looked into things, but threw himself upon them and possessed himself of them. In each instance, his nature seemed subdued to what it worked in, "like the dyer's hand." Minuteness and comprehensiveness went together, so that to his understanding the illustration from the Arabian Nights might well be applied, as it was to Bacon, that it resembled the fairy's tent, which could be placed, perfect in its proportions, on the hand, but

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set up upon the plain, whole armies could encamp beneath its shade.

It would be unreasonable to say that he took "all knowledge for his province," yet the range of his studies was vast; the books chewed and digested, many; and his acquaintance with affairs so extensive, that what was original and what acquired poured from him in a common flood.

If, as has been said, great judges may be divided into those who decide the particular dispute correctly, and those who, in doing that, expound the principles which will govern future cases, Mr. Justice Bradley undeniably belonged to the latter class; for his decisions in disposing of the matter in hand so explained the reason and the philosophy of the rule applied, as to furnish a guide to the solution of problems to come.

Taking his seat upon this bench, conversant with every branch of the law, and with a mind filled with the results of brooding over fundamental principles in the vigils of many years, there is no ground for surprise that he has left a lasting impress upon the jurisprudence of his country. His opinions from the 9th Wallace to the 141st United States, (numbering nearly five hundred,) couched in pure, undefiled English, vigorous but elegant, whether in the great domain of constitutional law, in cases at law or in equity, in admiralty, in patent causes, covering the whole field of judicial investigation, whether involving the application of the subtle learning of the common law or the refined and equitable distinctions of the civil, whether treating of the principles of social order, of civil and political liberty, the bases of forms of government or the immortal structure of his own, constitute a repository of statesmanlike views, and of enlightened rules in the administration of justice, resting upon the eternal principles of right and wrong, which will never pass into oblivion—an edifice which will remain even though time erase from its corner-stone the name of the architect and builder. This is the exceeding great reward of an illustrious magistrate, that his work in contributing to the progress and happiness of mankind, by the just enforcement of the laws, will last as long as humanity endures.

The President of the United States, in acknowledging the official notification of Mr. Justice Bradley's death, said: "He was not only learned in the law, but the temper of his mind was so fine and his wisdom so great that I do not wonder that you valued his

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counsels so highly." This observation is discriminating and just, for it touches that reserved force, termed character, which gave Mr. Justice Bradley an influence beyond the mere words he wrote or uttered. Fineness of mind, wisdom of thought, cordiality of heart, simplicity of manner, conscientious devotion to duty, an absolute integrity—these he had, and possessing these, he has left no unfinished window in the palace of the reputation bequeathed to posterity. Never suffering the talents given him to be weakened or extirpated by disuse, he persevered in the performance of public duty far beyond the period assigned as entitling to well-earned repose.

And so beneath the quiet stars, that appeared in the heavens as the twilight faded away, he continued to reap the harvest of a well-spent life, and at the summons of his Master came, bringing his sheaves with him.

An adjournment has heretofore been had as a mark of respect to the memory of our beloved associate, and a majority of our number has attended the committal of his body in the sure and certain hope of the life of the world to come. The resolutions and the remarks which have accompanied their presentation will be entered upon the record.