

MEMORANDUM.

DIED, on Monday, the 25th of February, in the city of Washington William Pinkney, in the fifty-eighth year of his age. He was one of the Board of Commissioners for settling the claims under the British treaty of 1794, and had represented the government of this country, as its minister plenipotentiary, successively, at the courts of London, Naples and St. Petersburg, with dignity and ability; he had held, with the highest reputation, the office of attorney-general of the United States; and at the time of his death was a senator in congress from his native state of Maryland, and a distinguished ornament of this bar. His funeral took place on the ensuing Wednesday, in the forenoon, under the direction of the senate, and was attended with all those public solemnities and that reverential sorrow due to his exalted talents and station.

To extraordinary natural endowments, Mr. Pinkney added deep and various knowledge in his profession. A long course of study and practice had familiarized his mind with the science of the law, in every department; and his attainments in the auxiliary branches of learning, essential to the jurist and advocate, were of the most profound and elegant character. For many years, he was the acknowledged leader at the head of the bar of his native state; and during the last ten years of his life, the principal period of his attendance in this court, he enjoyed the reputation of having been rarely equalled, and perhaps never excelled, in eloquence and the power of reasoning upon legal subjects. His mind was acute and subtle; rapid in its conceptions, and singularly felicitous in the exposition of the truths it was employed in investigating. Mr. Pinkney had the command of the greatest variety of the most beautiful and peculiarly appropriate diction, and the faculty of adorning and illustrating the driest and most intricate discussions. His favorite mode of reasoning was from the analogies of the law; and whilst he delighted his auditory by his powers of amplification and rhetorical ornament, he instructed the court by tracing up the technical rules and positive institutions of jurisprudence to their historical source and first principles. He was profoundly versed in the ancient learning of the common law—its technical peculiarities and feudal origin, its subtle distinctions and artificial logic, were familiar to his early studies, and enabled him to expound, with admirable force and perspicuity, the rules of real property. To this, and his other legal attainments, he superadded, at a later period of life, an extensive acquaintance with the theory and administration of public law.

In the various questions of constitutional law which have been recently

discussed in this high tribunal, it may be said, it is hoped, without irreverence, that Mr. Pinkney's learning and powers of investigation have very much contributed to enlighten and fix its judgments. In the discussion of that class of causes, especially, which, to use his own expressions, "presented the proud spectacle of a peaceful judicial review of the conflicting sovereign claims of the government of the Union and of the particular states, by this more than Amphictyonic council," his arguments were characterized by a fervor, earnestness, gravity, eloquence and force of reasoning, which convinced all who heard him, that he delivered his own sentiments as a statesman and a citizen, and was not merely solicitous to discharge his duty as an advocate. He exerted an intellectual vigor proportioned to the magnitude of the occasion. He saw in it "a pledge of the immortality of the Union—of a perpetuity of national strength and glory, increasing and brightening with age—of concord at home, and reputation abroad." And in his argument on the constitutionality of the charter of the Bank of the United States, he stated, that "the considerations which the question involved imparted to it a peculiar character of importance; and this tribunal, distinguished as it is for all that can give to judicature a title to reverence, is, in deliberating and adjudicating upon it, in the exercise of its most exalted, its most awful functions. The legislative faculties of the government of the Union, for the prosperity of the Union, are in the lists against the imputed sovereignty of a particular state; and you are the judges of the lists—not indeed, upon the romantic and chivalrous principles of tilts and tournaments, but upon the sacred principles of the constitution. In whatever direction you look, you cannot but perceive the solemnity, the majesty of such an occasion. In whatever quarter you approach the subject, you cannot but feel that it demands from you the firm and steady exertion of all those high qualities which the universal voice ascribes to those who have devoted themselves to the ministry of this holy sanctuary."

That intense application to his professional and public labors, for which Mr. Pinkney was so remarkably distinguished, continued to animate his exertions to the last moments of his life; and as he held up a high standard of excellence in this honorable career, he pursued it with unabated diligence and ardor, and still continued to speak as from the impulse of youthful ambition. His example was, therefore, of the greatest utility in exciting the emulation of the profession. But it is as an enlightened defender of the national constitution against the attacks which have been made upon it under the pretext of asserting the claims of state sovereignty, that his loss is most to be lamented by the public. It is known to his friends, that he was, a short time before his death, engaged in the investigations preparatory to making a great effort in the senate upon this interesting subject. The loss of such a commentary upon the constitution, by one who had so profoundly meditated its principles, may be regarded as a public calamity. It is also to be regretted, that the great fame of his eloquence must rest mainly in tradition; as it is believed, that no perfect memorials of his most splendid efforts in the senate, or at the bar, have been preserved, and it is obviously impossible to form any adequate notions of the powers of an advocate, from the sketches of the arguments of counsel contained in the books of reports.

The following proceedings of the court and bar took place upon the occasion of Mr. Pinkney's decease

February 26.—On the meeting of the court, this morning, Mr. Harper rose, and addressed the judges thus :

“On the part of the bar, may it please your Honors, I am about to address a request to the court, which I am sure will accord with its feelings, and I hope will not be considered as inconsistent with its duty. A great man has fallen in Israel. The bar has lost one of its brightest ornaments ; the court one of its ablest and most enlightened advisers. When such men fall, it seems fit that some expression of public regret should attend them to the tomb. It cannot be useful or pleasing to them, but it tends to increase the effect of their example, to those who survive, and to soothe the sorrow of their afflicted relatives. Nowhere can such a tribute more properly be paid to the memory of our departed brother than here ; where the pre-eminent talents and acquirements by which he adorned our profession have been so often displayed ; and he has taken so large a part in fixing those great legal and constitutional land-marks, by the establishment of which this court has conferred the most solid and extensive benefits on the nation. To express our deep sense of this great public and private loss, and as the most appropriate tribute now in our power to offer to the memory of the deceased, I request the court to allow this day for the uninterrupted indulgence of our feelings, and for that purpose now to adjourn.”

Mr. Chief Justice MARSHALL replied in the following words : “I am very confident, that I may say in the name of all my brethren, that we participate sincerely in the sentiments expressed at the bar. We all lament the death of Mr. Pinkney, as a loss to the profession generally, and especially to that part of it which is assembled in this room. We lament it too as a loss to our country. We most readily assent to the motion which has been made, and shall direct an adjournment till to-morrow at twelve.”

The following entry was directed to be made on the minutes of the court : “The court being informed that Mr. PINKNEY, a gentleman of this bar, highly distinguished for his leaning and talents, departed this life, last night, in this city, the judges have determined, as a mark of their profound respect for his character, and sincere grief for his loss, to wear crape on the left arm for the residue of the term ; and to adjourn for the purpose of paying the last tribute to his remains, by attending them from the place of his death.”

After the adjournment of the court, the members of the bar assembled in the court-room ; Mr. Clay was called to the chair and Mr. Winder appointed secretary.

On motion of Mr. Harper, seconded by Mr. Webster, it was unanimously resolved, that the members of this bar, as mark of their regret for the memory of their deceased brother, the Hon. William Pinkney, and of their deep sense of the loss which the public and the profession have sustained in his death, will attend his funeral in a body, and wear a crape on the left arm, during the present term.

On motion of Mr. Wheaton, seconded by Mr. D. B. Ogden, it was unanimously resolved, that the proceedings of this meeting be signed by the chairman and secretary, and published in the National Intelligencer.

The meeting then adjourned.

H. CLAY, Chairman.

W. H. WINDER, Secretary.

