

## OBITUARY.

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THE obligation to record the decease of Mr. Justice WASHINGTON is felt with the deepest sensibility. Associations of years, during which it was the good fortune of the writer to possess his friendship and esteem, were thus terminated ; his judicial career, of thirty-one years, distinguished by all the lustre and usefulness that talent, learning and virtue could give, was closed by that event. He died in Philadelphia, on the 26th day of November 1829, in the sixty-eighth year of his age ; and his remains were conveyed to Mount Vernon, and deposited in the same tomb with those of his uncle, THE FATHER OF HIS COUNTRY.

It may be said with truth, that Mr. Justice Washington belonged to two states—Virginia and Pennsylvania. He was born and educated in Virginia, and there, for some time, practised his profession ; he acquired his knowledge of the law in Pennsylvania ; in that state, the great portion of his eminent judicial labors were performed ; and in that state he died. He was equally beloved, honored and lamented in both states.

Mr. Justice Washington was the son of John A. Washington, Esquire, of Westmoreland county, Virginia, who was the next eldest brother of General Washington. His father was a gentleman of strong mind, and possessed the consideration and confidence of all who knew him. He was, with honor to himself, a delegate in the state legislature of Virginia, and a magistrate of the county in which he resided. Bushrod Washington, his son, received a part of his classical education in the house of the inflexible patriot, Richard Henry Lee, under a private tutor ; his studies were continued under his paternal roof, and afterwards, at William and Mary College. At that respectable institution, commenced his intimacy and friendship with Mr. Chief Justice Marshall, with whom he became afterwards associated in the supreme court of the United States ; and whose esteem, confidence and respect, he continued to possess, in the fullest extent, to the close of his life.

The invasion of Virginia, by Lord Cornwallis, called from their studies, for its defence, the gallant youth of the state, and among them Bushrod Washington, who joined a volunteer troop of cavalry, under Colonel John

F. Mercer, in the army commanded by the Marquis La Fayette. During the whole of the summer, he remained in the field, and until Cornwallis had crossed James river. It was then supposed, that the invaders intended to move on South Carolina ; the troop was disbanded, and its members returned to their homes. In the following winter, he came to Philadelphia, and, under the auspices and affectionate care of General Washington, he was placed, as a student at law, in the office of Mr. Wilson ; a gentleman of great legal learning and high character, and who was afterwards appointed a justice of the supreme court of the United States. After completing his studies, he returned to Virginia, and practised his profession in his native county, with reputation and success. In 1787, he was chosen a member of the house of delegates of Virginia ; and the following year, as one of that body, he assisted in the adoption and ratification of the Constitution of the United States, by the state of Virginia.

From Westmoreland, he removed to Alexandria, a wider sphere for the exercise of his talents as an advocate and a jurist ; and he went afterwards from thence to Richmond, and there assumed and maintained an equal station with the gentlemen of that bar ; whom to equal, has always been, and continues to be, conclusive evidence of the highest professional attainments and character.

During his arduous, industrious and extensive practice at the bar, in Richmond and throughout the state, Judge Washington undertook to report the decisions of the supreme court of Virginia ; a work in two volumes, of high authority in the courts of that state, and in those of the Union.

He was married in 1785, to Miss Blackburn ; he had no children. He was a devoted husband to an affectionate wife ; and such was the strength of her conjugal attachment to her deceased husband, that she survived him but three days.

His high and just reputation as a lawyer, the purity and integrity of his character, and the confidence and respect of the whole community with whom he lived, induced President Adams, in 1798, to appoint him an associate justice of the Supreme Court of the United States, to fill the vacancy which had occurred by the decease of Mr. Justice Wilson. He continued to hold that honored and honorable station until his death ; and presided in the circuit court of New Jersey and in that of Pennsylvania, from April 1803, having been, during that year, assigned to the circuit courts composing the third circuit.

Judge Washington was the favorite nephew of President Washington, and the devisee of Mount Vernon ; the much-loved residence of that pure, distinguished and venerated patriot. To Judge Washington he also gave his library, and he also bequeathed to him his public and private papers ; at the same time, appointing him one of his executors. These high and affectionate testimonials of confidence and esteem must have ever been held



in proud possession by him on whom they were bestowed, and by whom they were deserved.

It is with peculiar satisfaction, that the writer has been permitted by Mr. Justice Story to introduce here his evidence of the talents, the usefulness, the qualifications, and the virtues of Mr. Justice Washington. This was given in a notice written by him immediately after that occurrence. *Laudari a viro laudato.*

“For thirty-one years, Judge Washington held the station of justice of the supreme court, with a constantly increasing reputation and usefulness. Few men, indeed, have possessed higher qualifications for the office, either natural or acquired. Few men have left deeper traces in their judicial career of everything which a conscientious judge ought to propose for his ambition, or his virtue, or his glory. His mind was solid, rather than brilliant; sagacious and searching, rather than quick or eager; slow, but not torpid; steady, but not unyielding; comprehensive, and at the same time cautious; patient in inquiry, forcible in conception, clear in reasoning. He was, by original temperament, mild, conciliating and candid; and yet was remarkable for an uncompromising firmness. Of him, it may be truly said, that the fear of man never fell upon him; it never entered into his thoughts, much less was it seen in his actions. In him the love of justice was the ruling passion—it was the master-spring of all his conduct. He made it a matter of conscience to discharge every duty with scrupulous fidelity and scrupulous zeal. It mattered not whether the duty were small or great, witnessed by the world or performed in private; everywhere the same diligence, watchfulness and pervading sense of justice were seen. There was about him a tenderness of giving offence, and yet a fearlessness of consequences, in his official character, which it is difficult to portray. It was a rare combination, which added much to the dignity of the bench, and made justice itself, even when most severe, soften into the moderation of mercy. It gained confidence, when it seemed least to seek it. It repressed arrogance, by overawing or confounding it.

“To say, that as a judge he was wise, impartial and honest, is but to attribute to him those qualifications, without which the honors of the bench are but the means of public disgrace or contempt. His honesty was a deep vital principle, not measured out by worldly rules. His impartiality was a virtue of his nature, disciplined and instructed by constant reflection upon the infirmity and accountability of man. His wisdom was the wisdom of the law, chastened, and refined, and invigorated by study, guided by experience, dwelling little on theory, but constantly enlarging itself by a close survey of principles.

“He was a learned judge. Not in that every-day learning which may be gathered up by a hasty reading of books and cases; but that which is the result of long-continued laborious services, and comprehensive studies.

He read to learn, and not to quote ; to digest and master, and not merely to display. He was not easily satisfied. If he was not as profound as some, he was more exact than most men. But the value of his learning was, that it was the keystone of all his judgments. He indulged not the rash desire to fashion the law to his own views ; but to follow out its precepts, with a sincere good faith and simplicity. Hence, he possessed the happy faculty of yielding just the proper weight to authority ; neither, on the one hand, surrendering himself to the dictates of other judges, nor, on the other hand, overruling settled doctrines upon his own private notions of policy or justice.

“ But it is as a man that those who know him best will most love to contemplate him. There was a daily beauty in his life, which won every heart. He was benevolent, charitable, affectionate and liberal, in the best sense of the terms. He was a Christian, full of religious sensibility and religious humility. Attached to the Episcopal church by education and choice, he was one of its most sincere, but unostentatious friends. He was as free from bigotry as any man ; and at the same time that he claimed the right to think for himself, he admitted without reserve the same right in others. He was, therefore, indulgent even to what he deemed errors in doctrine, and abhorred all persecution for conscience’ sake. But what made religion most attractive in him, and gave it occasionally even a sublime expression, was its tranquil, cheerful, unobtrusive, meek and gentle character. There was a mingling of Christian graces in him, which showed that the habit of his thoughts was fashioned for another and a better world.”

At the session of the Supreme Court, at January term 1830, Mr. Berrien, the Attorney-General of the United States, moved the court to have the proceedings of the bar and officers of the court, expressive of their high sense of the merits and talents of Mr. Justice Washington, entered on the record of the court. Mr. Chief Justice MARSHALL said :

“ The sentiments of respect and affection which the gentlemen of the bar and the officers of the court have expressed for the loss of our deceased brother, are most grateful to me, and I can say, with confidence, to all my brethren. No man knew his worth better or deplores his death more than myself ; and this sentiment, I am certain, is common to his former associates. I am very sure, I may say for my brethren, as well as for myself, that the application is most gratifying to us all ; and that in ordering the resolutions to be entered on the minutes of our proceedings, we indulge our own feelings not less than the feelings of those who make the application.”

Immediately on the decease of Mr. Justice Washington, the bar of Philadelphia assembled to testify their sense of the loss sustained in his decease by the court and by the nation. Resolutions expressive of their sentiments and feelings were unanimously adopted, and a gentleman of



high attainments and station was requested to pronounce an eulogium on the deceased.

The bar of the circuit court of the United States, for the eastern district of Pennsylvania, have caused to be placed a mural tablet of marble, in a recess immediately behind and above the seat of the judges, in the room lately arranged for the circuit court, in the "Hall of Independence," in the city of Philadelphia ; on which is inscribed :—

THIS TABLET

Records

The affection and respect of

The Members of the Philadelphia Bar,

for

BUSHROD WASHINGTON,

An Associate Justice of the Supreme Court of the United States

alike distinguished for

Simplicity of Manners,

and

Purity of Heart :

Fearless, dignified, and enlightened, as a Judge ;

No influence or interest

could touch his integrity,

or

bias his Judgment :

A zealous patriot, and a pious Christian.

He died

at Philadelphia,

On the 26th of November, A. D. 1829 ;

leaving

to his professional brethren,

A spotless fame ;

and to his country,

The learning, labor and wisdom

of a

Long judicial Life.

