

OBITUARY.

JOHN MARSHALL, Chief Justice of the Supreme Court of the United States, died at Philadelphia, on the 6th day of July 1835. His remains were conveyed to Richmond, attended by Mr. Justice Baldwin, one of the associate justices of the supreme court, and by Mr. Sergeant, Mr. Rawle, Jun., Mr. Ingraham, and Mr. Peters, as a committee of the Philadelphia bar.

His private virtues as a man, and his public services as a patriot, are deeply inscribed in the hearts of his fellow-citizens. His extensive legal attainments, and profound, discriminating, judicial talents, are universally acknowledged. His judgments upon great and important constitutional questions, affecting the safety, the tranquillity and the permanency of the government of his beloved country—his decisions on international and general law, distinguished by their learning, integrity and accuracy, are recorded in the reports of the cases adjudged in the Supreme Court of the United States, in which he presided during a period of thirty-four years. As long as the constitution and laws shall endure and have authority, these will be respected, regarded and maintained.

January 12th, 1836.—Mr. Clay, having moved the court, in pursuance of the third resolve contained in the subjoined proceedings of the bar and officers of this court, to have said proceedings entered on the records of the court Mr. Justice Story remarked as follows :

“The court receive with great sensibility, the resolutions of the bar, in regard to the late Chief Justice Marshall. In this tribute of affectionate respect to his memory, we most cordially unite. It contains a true, as it does an eloquent expression of feelings and sentiments, common to the whole profession. The community have sustained a severe loss, in the departure of this great and good man, who was ripe in years and full of honors. His genius, his learning, and his virtues have conferred an imperishable glory on his country, whose liberties he fought to secure, and whose institutions he labored to perpetuate. He was a patriot and statesman of spotless integrity and consummate wisdom. The science of jurisprudence will for ever acknowledge him as one of its greatest benefactors.

The constitution of the United States owes as much to him, as to any single mind, for the foundations on which it rests, and the expositions by which it is to be maintained. But above all, he was the ornament of human nature itself, in the beautiful illustrations which his life constantly presented, of its most attractive graces and most elevated attributes. We who have been the witnesses and companions of his judicial labors, cannot but feel the desolation which has visited us. Our consolation is, that he is now beyond the reach of human infirmity, and (as we trust) in the possession of the rewards of a blessed immortality. This hall will never again be honored by his presence; but so long as it shall remain devoted to the administration of public justice, so long will it preserve the best records of his fame. He, who, in future ages, shall here seek for his monument, need but look around him and before him. The voices of the eloquent and learned, which will here pronounce his name, will never fail to breathe forth at the same time his most affecting praise.

"It is the order of the court, that the resolutions of the bar be entered upon their records. And the judges will wear crape on their left arms during the term, as a fit expression of their entire coincidence with the feelings of the bar."

Which proceedings are as follows :

"At a meeting of the members of the bar of the Supreme Court of the United States and of the officers of the court, held in the supreme court-room, in the city of Washington, on Tuesday, the 12th day of January, A. D. 1836, Edmund J. Lee, Esq., was appointed chairman, and Walter Jones, secretary.

"On motion of Mr. Clay, the following resolutions were unanimously adopted.

"The Hon. JOHN MARSHALL, Chief Justice of the Supreme Court of the United States, having departed this life, during the late vacation of the court, and the members of this bar and the officers of this court entertaining the highest veneration for his memory, the most profound respect for his extraordinary abilities and great experience and learning as a judge, and cherishing for his many virtues, public and private, his artless character, and his uniformly amiable and unostentatious deportment, both in his public and private relations, the most lively and affectionate recollection, have resolved : That as a manifestation of their deep sense of the great loss which has been sustained in his death, by the bench, by the bar, and by the whole country, they will wear the customary badge of mourning during the residue of the term.

"Resolved, that the chairman communicate to the family of the deceased, a copy of the above resolution, and assure them of the sincere condolence of the members of the bar, and the officers of the supreme court, on account of the great and irreparable loss which has been sustained by his family and his country, in the lamented death of the late Chief Justice of the United States.

"Resolved, that in behalf of the bar and officers of this court, the

supreme court be respectfully requested, that the foregoing resolutions may be entered on the minutes of the court."

January 14th, 1836.—Mr. Butler, Attorney-general of the United States, moved the court to receive and enter on their minutes the proceedings of the Charleston bar, in memory of the late Chief Justice Marshall. On consideration whereof, it is ordered by the court, that the said proceedings be entered on the minutes of this court, and which are as follows :

Tribute to the memory of Chief Justice Marshall.

"A meeting of the Charleston bar was held in the federal court-room, on the 17th July 1835, at one o'clock, P. M., to give expression to their feelings on the melancholy event which has deprived the supreme court of the Union, and the Union itself, of their most distinguished judicial luminary.

"On motion of Mitchell King, Esq., Thomas Lee, district judge of the United States, was called to the chair, and Robert B. Gilchrist, district-attorney, appointed secretary.

"The chairman having stated the object of the meeting, in a course of remarks expressive of his deep reverence for the pre-eminent virtues and services of the deceased ; James L. Petigrew, Esq., submitted the following preamble and resolutions.

"Death has removed from the sphere of his duties, John Marshall, the venerable Chief Justice of the United States, a magistrate endeared to his countrymen by a pure and spotless character, distinguished by pre-eminent abilities, and illustrious by his long and varied public services. The sympathy of a whole people attends the funeral of a public benefactor, whose life conferred honor on his country. But the law and the legal profession, of which he was the head and ornament, are, more than all others, interested and affected by this solemn event. His high judicial station was equally above envy and reproach ; and the honor of official dignity was enhanced and nobled by his intrinsic worth and personal merit. Though his authority as Chief Justice of the United States was protracted far beyond the ordinary term of public life, no man dared to covet his place, or express a wish to see it filled by another. Even the spirit of party respected the unsullied purity of the judge, and the fame of the chief justice has justified the wisdom of the constitution, and reconciled the jealousy of freedom to the independence of the judiciary.

"While we bow with humble resignation to the inevitable doom of humanity, we may adore the goodness of Providence that spared his life so long, to establish, by the authority of his virtues and abilities, the character of that tribunal in which he presided. His fame is indissolubly connected with the administration of justice ; nor can virtuous emulations of future judges aspire to a higher distinction than to equal the wisdom and to copy the example of Marshall.

"Resolved, that the members of the Charleston bar, in the death of Chief Justice Marshall, deeply feel the privation which the community

have sustained, and will express their regret for his loss, and respect for his memory, by wearing crape for thirty days.

"The preamble and resolution were seconded by Mitchell King, Esq., in a feeling and eloquent address, and unanimously adopted.

"On motion of Joshua A. Toomer, Esq., seconded by William Lance, Esq.:

"Resolved, that the members of the Charleston bar will co-operate with the bar of the United States in any measure which may be deemed best adapted to the expression of their deep respect for the memory of this distinguished man.

"On motion of George Warren Cross, Esq.:

"Resolved, that a copy of the foregoing resolutions be forwarded to the nearest relative of the deceased, and that a copy be also forwarded to the Attorney-General of the United States, at Washington, with a request to present the same to the judges of the supreme court of the United States, at its next session.

"R. B. GILCHRIST, Secretary."