

## PROCEEDINGS OF COURT

HAD UPON THE

### DEATH OF JUDGE STORY.

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At the opening of the Court this morning, Mr. Mason, the Attorney-General of the United States, addressed the Court as follows:—

“ *May it please your Honors:*”

“ Since your last term, the senior Associate Justice of this Court has departed this life. At a meeting of the members of the bar and officers of the Court, held on yesterday, resolutions were adopted expressive of their veneration for the memory of the deceased, and of their sense of the loss which has been sustained by the Court, the profession, and the country. They have done me the honor to impose on me the melancholy task of communicating their proceedings to the bench.

“ I am but too sensible of the disadvantages under which I labor, in acquitting myself in this presence of the duty thus confided to me. I had not the advantage of any intimate personal acquaintance with MR. JUSTICE STORY. But he was known to me, as to every lover of an enlightened jurisprudence, and to every admirer of learning and purity in our magistracy, through the fame which he had honorably won, and the light which he had shed on all the various subjects of professional learning, in his opinions delivered from that bench, and the works which he published to the world.

“ At the early age of thirty-two years, he was appointed an Associate Justice of this Court. In thirty-four years of service in his high office, he acquitted himself of all his responsible duties with a dignity, integrity, and learning, which proved him worthy of this exalted judicial tribunal.

“ He gave to the profession an example of successful industry above all price. It is wonderful that he should have accomplished so much; unfailing in his attendance here, participating largely in all the learned labors which bear so oppressively on this Court, constant in the discharge of his judicial duties in one of the most important Circuits in the Union, he found time to instruct, as a professor, large classes for many successive years, and to prepare and publish a greater number of learned legal works than any other author. Yet, in the midst of the severe and incessant

studies which could alone produce such results, he was devoted to the enchanting delights of elegant literature, and was distinguished for his happy and cheerful domestic life, and his spirited social intercourse.

“ The learning which he displayed as a jurist and author extended his fame to every country where an enlightened jurisprudence prevails; and the amiable and Christian character of the man has filled a whole community with grief at his death.

“ But your Honors, with whom he associated for a period so far beyond what falls to the lot of most of those who reach this elevated distinction, can best appreciate his character as a judge, and his virtues as a man, and will confirm the testimony of the gentlemen whose proceedings I now have the honor to present.”

At a meeting of the members of the bar and officers of the Supreme Court of the United States, at the court-room in the Capitol, on the 3d day of December, A. D. 1845, David B. Ogden, Esq., was appointed Chairman, and the Hon. George M. Bibb, Secretary.

The Hon. John Davis, the Hon. George Evans, and the Hon. R. C. Winthrop were appointed a committee to prepare resolutions expressive of the sentiments and feelings of the meeting on the melancholy event of the recent death of the Hon. JOSEPH STORY, one of the Associate Justices of the Supreme Court of the United States.

Whereupon Mr. Davis, in behalf of the committee so appointed, presented the following preamble and resolutions, which were unanimously adopted by the meeting:—

“ Since the last annual session of the Supreme Court of the United States, one of its most distinguished members has fallen a victim to the lot of humanity. The earthly career of that able and faithful judge, JOSEPH STORY of Massachusetts, has terminated, and we trust that his exalted virtues will secure rest to his spirit among those who are made perfect.

“ The bar has been deprived of one of its brightest ornaments, and the bench of one of its most learned and illustrious members. Those who have long witnessed the pure example, and venerated the talents, learning, and untiring zeal of the deceased, cannot permit an event so solemn and afflictive to pass unnoticed. Few men of any age or country have left behind them stronger proofs of great and successful labors in legal research, or higher claims to public respect and gratitude. He explored, with extraordinary powers of analysis, the learning of the past, employing and systematizing those great principles of jurisprudence which illustrate his decisions as a judge, and give imperishable value to his works as an author.

“ As a magistrate, he aimed to win esteem and respect for the bench by the purity of his example, and to inspire confidence in its decisions by a prompt, just, enlightened, and faithful administration of the laws.

“ In the midst of the urgent duties of his high and responsible

station, which were sufficient to task a more than ordinary mind, he found leisure to indulge his love of legal study, and produced a series of works which have taken rank among standard authorities, and will carry his fame to posterity as a jurist of great accomplishments.

" His decisions on the bench, as well as the productions of his pen, prove alike the earnest zeal with which his mental energies were applied to sustain the constitution and laws of the republic, and the conscientious rectitude with which he discharged the great and complicated duties which devolved upon him.

" While we feel just pride in the attainments of one so distinguished as a public officer and as an author, we cannot forget those extraordinary social qualities, and that amiable deportment in private life, which endeared him to his friends and acquaintance. If in his high public station he commanded the esteem and confidence of the public, in the ordinary duties of life he won and retained the respect and love of all who were connected with him in the varied relations in which he stood to the community.

" When so pure and so illustrious a man descends to the tomb, while his usefulness is unimpaired and his work unfinished, the calamity is the more severely felt, and the occasion is a fit one for his bereaved friends and the public to give utterance to their grief, and to testify their veneration and respect for the memory of the deceased.

" Therefore, Resolved, 1. That we hold in the highest estimation the learning, the integrity, the distinguished services, and the exalted virtues of the late JUDGE STORY, and deeply deplore the loss which the bench and the country have sustained by the death of one so eminently qualified for the high station which he filled.

" 2. That we sympathize with his bereaved family in their affliction, who mourn the loss of an affectionate husband, a kind parent, and a good citizen.

" 3. That from respect to the memory of him who has filled so large a space in the affairs of the country, we will, during the present session of the Court, wear the usual badge of mourning.

" 4. That these resolutions be communicated to the Court by the Attorney-General, with a request that they may be entered upon the records, and further, that they be communicated to the family of the deceased by the chairman of this meeting.

" DAVID B. OGDEN, *Chairman.*

GEO. M. BIBB, *Secretary.*"

To which Mr. Chief Justice replied:—

" It is difficult for me to express how deeply the Court feel the death of MR. JUSTICE STORY. He held a seat on this bench for so many years, and was so eminently distinguished for his great learning and ability, that his name had become habitually associated with the Supreme Court, not only in the mind of those more immediately connected with the administration of justice, but in that of the public generally, throughout the Union. He had, indeed, all the qualities of a great judge; and we are fully sensible that his

labors and his name have contributed largely to inspire confidence in the opinions of this Court, and to give weight and authority to its decisions.

“ It is not, however, in this country only, that the name of Justice Story is respected and honored. His works upon various branches of jurisprudence have made him known to eminent men wherever judicial knowledge is esteemed and cultivated; and wherever he is known, his opinions are quoted with respect, and he is justly regarded as one of the brightest ornaments of the age in which he lived. But it is here on this bench that his real worth was best understood, and it is here that his loss is most severely and painfully felt. For we have not only known him as a learned and able associate in the labors of the Court, but he was also endeared to us as a man, by his kindness of heart, his frankness, and his high and pure integrity. We most truly and deeply deplore his death, and cordially unite with the bar in paying appropriate honors to his memory.

“ The proceedings of to-day will therefore be entered on the records of the Court, as a lasting testimony of our respectful and affectionate remembrance of our departed brother.”