

PROCEEDINGS

IN RELATION TO THE

DEATH OF JUDGE WOODBURY.

At the opening of the Court, the Honorable J. J. Crittenden, Attorney-General of the United States, rose and remarked substantially as follows :—

As an officer of this Court, and at the request of its bar, it becomes my duty to submit a brief and imperfect expression of our common regret for the loss of the distinguished member of this Court, whose death this nation has recently been called upon to deplore.

Judge Woodbury was a man who for a long series of years occupied a most conspicuous position. The continued confidence reposed in him by his country, and the numerous honors which he shared, all testify to his greatness, and will be his noblest monument.

It has rarely happened that any citizen has enjoyed such a succession of exalted public honors as were shared by Judge Woodbury. Governor, Secretary of the Treasury, Senator, and, his last and greatest distinction, Judge of the Supreme Court of the United States, whose jurisdiction is more extended than any other upon the continent, and whose mandate is obeyed from Boston to San Francisco—all these honors, one after the other, were worn by him, but neither they nor any other human distinction could save him to us any longer. He has fallen in the midst of his earthly honors; he has fallen as all of us must fall, and left with us only his fame, which is immortal.

Judge Woodbury was a man who wore his honors, great as they were, meekly; and it was his distinguishing merit, that he thought much less of them than of the duties they entailed.

The bar of this Court deeply deplore the loss which they have sustained; and, not doubting the fervent sympathy of this Court

with them, I feel that my duty will be discharged by offering the resolutions which embody the sentiments of this bar, and by requesting, at their instance, that they may be placed on the records of this Court, where they will remain as imperishable as his fame.

The resolutions are as follows:—

At a meeting of the members of the bar and officers of the Court, held in the Supreme Court Room, on Monday, the 1st of December, 1851, Jonathan Meredith, Esquire, of Maryland, was called to the chair, and Alexander H. Lawrence, Esquire, of Washington, appointed Secretary.

On motion of Richard S. Coxe, Esquire, it was resolved that a committee of three gentlemen be appointed by the chair to prepare and report to this meeting appropriate resolutions on the occasion of the lamented death of the late Honorable Levi Woodbury, one of the Associate Justices of the Supreme Court of the United States.

Whereupon the chair appointed the Honorable Reverdy Johnson, of Maryland, Richard S. Coxe, Esquire, of Washington, and R. H. Gillet, Esquire, of New York, to constitute said committee.

Mr. Johnson, on behalf of the committee, reported the following resolutions, which were unanimously adopted:—

Resolved, That the Supreme Court, the Bar, and the nation, have sustained, in the death of the Honorable Levi Woodbury, a loss of extensive learning, indefatigable industry, unsuspected integrity, and high abilities. After filling, with great reputation, some of the most important offices under the National and State Governments, his elevation to the Bench was received with general satisfaction, and his premature and unexpected death with universal regret.

Resolved, That this meeting lament the death of Judge Woodbury, in the prime of life and usefulness, and that we will wear the usual badge of mourning during the residue of the term.

Resolved, That the Chairman and Secretary transmit a copy of these resolutions to the family of the deceased, and assure them of our sincere condolence on account of the bereavement they have experienced.

Resolved, That the Attorney-General be requested to move the court that these resolutions be entered on the minutes of their proceedings.

JONATHAN MEREDITH, *Chairman*.

A. H. LAWRENCE, *Secretary*.

Whereupon Mr. Chief Justice Taney replied :—

The Court is very sensible of the loss it has sustained in the death of Judge Woodbury.

He had been a member of the Court but a few years; yet he was long enough on the bench to leave behind him, in the reports of the decisions of the Court, the proofs of his great learning and industry, and of his eminent qualifications for the high office he filled.

His life had been passed mainly in the public service before he became a member of this Court. And in the various and important offices, judicial and political, to which he had been appointed, he was always found equal to the duties imposed upon him, and never failed to distinguish himself by the extent and accuracy of his information, upon every subject connected with his official duties, or upon which he was at any time called upon to act. The same learning and the same untiring industry marked his brief course on this bench. We all feel that we have lost in him an able, upright, and learned associate, and most truly and sincerely deplore his death; and we cordially unite with the bar in the resolutions they have presented, and shall order them to be entered on the records of the Court.

Ordered, that the proceedings of the City Council of the City of Portsmouth, upon the death of the late Mr. Justice Woodbury, be entered on the minutes of the Court, which are as follows :

City of Portsmouth, September 5th, 1851.

At a meeting of the City Council, held this day, the following preamble and resolutions were adopted :—

Whereas, by the decree of Divine Providence, our eminently distinguished and highly esteemed fellow-citizen, the Honorable Levi Woodbury, Associate Justice of the Supreme Court of the United States, has been suddenly summoned from our midst, in the full vigor of his manhood and of his usefulness,

Therefore, *Resolved*, by the City Council of the City of Portsmouth, that we deeply deplore the loss of the illustrious deceased—a loss to his family, his fellow-citizens, and the nation.

Resolved, That a retrospect of the past causes us more vividly to realize the extent of the calamity that has befallen us by the removal of one whose worth as a statesman, a public officer, a citizen, and a *man*, was acknowledged wherever his fame had extended, or his acquaintance had been enjoyed.

Resolved, That we respectfully tender our heartfelt sympathies to his distressed family in their overwhelming bereavement.

Resolved, That, as a deserved tribute to the merit of the deceased, as well as to testify more publicly our sense of this sad dispensation, the members of the City Council will, at an early day, join with their fellow-citizens in such obsequies as are due to the public services and private worth of the honored dead.

Resolved, That his Honor, the Mayor, be requested to communicate copies of these resolutions to the bereaved family of the deceased, the President of the United States, and the United States Supreme Court.

Extract from the records.

A true copy. Attest.

JOHN BENNETT, *City Clerk*.