

PROCEEDINGS

IN RELATION TO THE

DEATH OF THE LATE JUDGE MCKINLEY.

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

That since its adjournment yesterday, the members of the Bar and officers of the Court held a meeting and had adopted resolutions expressive of their high sense of the public and private worth of the Hon. John McKinley, lately one of the Justices of this Court, and their deep regret at his death. By the same meeting I was requested to present those resolutions to the Court, and to ask that they might be entered on their records, and I rise now to perform that honored task.

Beside the private grief which naturally attend it, the death of a member of this Court, which is the head of a great, essential, and vital department of the Government, must always be an event of public interest and importance.

I had the good fortune to be acquainted with Judge McKinley from my earliest manhood. In the relations of private life he was frank, hospitable, affectionate. In his manners he was simple and unaffected, and his character was uniformly marked with manliness, integrity and honor. Elevation to the Bench of the Supreme Court made no change in him. His honors were borne meekly, without ostentation or presumption.

He was a candid, impartial, and righteous Judge. Shrinking from no responsibility, he was fearless in the performance of his duty, seeking only to do right, and fearing nothing but to do wrong.

For many of the last years of his life he was enfeebled and afflicted by disease, and his active usefulness interrupted and impaired; but his devotion to his official duties remained unabated, and his death was probably hastened by his last ineffectual attempt at their performance by attending the last term of this Court.

Death has now set her seal to his character, making it unchangeable forever; and, I think, it may be truly inscribed upon his monument that as a private gentleman, and as a public magistrate, he was without fear and without reproach.

This occasion cannot but remind us of other afflicting losses which have recently befallen us. The present, indeed, has been a sad year for the profession of the law. In a few short months it has been bereaved of its brightest and greatest ornaments. Clay,

Webster and Sergeant, have gone to their immortal rest in quick succession. We had scarcely returned from the grave of one of them, till we were summoned to the funeral of another. Like bright stars they have sunk below the horizon, and have left the land in wide-spread gloom. This hall, that knew them so well, shall know them no more. Their wisdom has no utterance now, and the voice of their eloquence shall be heard here no more forever.

This hall itself seems as though it was sensible of its loss, and even these marble pillars seem to sympathize as they stand around us like so many majestic mourners.

But we will have consolation in the remembrance of these illustrious men. Their *names* will remain to us, and be like a light kindled in the sky to shine upon us, and to guide our course. We may hope, too, that the memory of them, and their great examples, will create a virtuous emulation which may raise up men worthy to be their successors in the service of their country, its constitution and its laws.

For this digression and these allusions to Clay, Webster, and Sergeant, I hope the occasion may be considered as a sufficient excuse; and I will not trespass by another word, except only to move that these resolutions, in relation to Judge McKinley, when they shall have been read by the Clerk, may be entered on the records of this Court.

At a meeting of the members of the Bar and officers of the Court, held in the Supreme Court Room on Tuesday, the 7th day of December, 1852, the Honorable Solomon W. Downs, of Louisiana, was called to the Chair, and John A. Campbell, Esquire, of Alabama, 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 the meeting resolutions on the occasion of the lamented death of the Honorable John McKinley, one of the Associated Justices of the Supreme Court of the United States.

Whereupon the Chair appointed Richard S. Coxe, Esquire, of the District of Columbia, Reverdy Johnson, Esquire, of Maryland, and William Rawle, Esquire, of Pennsylvania, to constitute the committee.

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

Resolved, That among the afflictive dispensations with which it has pleased Almighty God to visit us, in common with the entire nation, during the last few months, we are especially called upon to deplore the death of the Honorable John McKinley, who, for the period of fifteen years, had filled an honorable position on the Bench of the Supreme Court, which he adorned by his simple purity of character, his learning, industry, and courtesy of manner.

Resolved, That this meeting deeply lament the death of Judge McKinley, and will cherish an affectionate remembrance of his many virtues and eminent worth as a judge, a patriot, and a man,

and that we will wear the usual badge of mourning during the residue of the term.

Resolved, That the Chairman and Secretary of this meeting transmit a copy of these proceedings to the family of the deceased, and to assure them of our sincere condolence on account of the bereavement which they have sustained.

Resolved, That the Attorney-General be requested to present these proceedings to the Court, with a request that they be entered on its minutes.

S. W. DOWNS, *Chairman*.

J. A. CAMPBELL, *Secretary*.

To which Mr. Chief Justice Taney replied:—

When the Court assembled at the last term, one of its first acts was to express its sorrow for the loss of a highly respected member of the Court, who died in the preceding vacation. And now, when we meet again, we have to lament the death of another who has fallen since the last adjournment.

We cordially unite with the Bar in all that they have said of the character and worth of Judge McKinley. He was a member of this Court for fifteen years, and we knew him well. He was a sound lawyer, faithful and assiduous in the discharge of his duties while his health was sufficient to undergo the labor. And his life was most probably shortened by the effort he made to attend this Court at the last adjourned term, when his health had become too infirm to encounter the fatigue of a journey to Washington. He was frank and firm in his social intercourse, as well as in the discharge of his judicial duties. And no man could be more free from guile, or more honestly endeavor to fulfil the obligations which his office imposed upon him. We truly deplore his death.

We have indeed met together at the present term under circumstances peculiarly painful. And when we are speaking of the loss sustained by the death of a Brother of the Bench, we unavoidably call to mind the three distinguished members of the Bar who have also died since the last session of the Court. Very soon after the adjournment the death of Henry Clay was announced. In a few months afterwards Daniel Webster followed him; and before this term commenced the name of John Sergeant was added to the melancholy list. These gentlemen have all for the last thirty years been identified with the proceedings of this Court, standing always in the foremost ranks of the profession, and ornamenting it by their genius, their learning, and their eloquence. And while they were maintaining this distinguished position before the judicial tribunals, they were able at the same time to place their names among the leading and eminent statesmen of the day, exercising a strong and wide influence upon the great political questions which were agitated during the period in which they lived.

The interval between the last and present session of the Court has been a brief one. But sad events have been crowded in it. And we shall direct the proceedings of the Bar and this response to be entered on the records of the Court, as the evidence of the deep sense which the Court entertains of the loss sustained at the Bar as well as on the Bench.