

PROCEEDINGS

IN RELATION TO THE

DEATH OF THE LATE JUDGE DANIEL.

TUESDAY, DECEMBER 4, 1860.

On the opening of the court this morning, Mr. BLACK, the Attorney General of the United States, made the following remarks:

"May it please your Honors: I am compelled, most reluctantly, to inaugurate our sitting in these new apartments by referring to a great misfortune which you and I, and all of us, have suffered during the vacation. Since the close of the last term, the seat which should have been occupied by Mr. Justice DANIEL has been made vacant by his death. The place in this court which knew him for nearly nineteen years will know him no more forever. I speak with entire sincerity when I say, that I wish the duty of making this announcement had been cast upon some one better able to do his memory justice.

"I knew him only as a Judge, and my personal acquaintance with him, even in that capacity, began after his health and spirits had been broken by the saddest bereavements; when all his work was done in the midst of pain and trouble; and when the light of all his days was clouded with sickness and sorrow.

"Born of a family which had furnished to Virginia some of the boldest defenders and ablest counsellors that graced her early history, he inherited the spirit of true patriotism, and loved his native State with a fervor of devotion which never wavered or changed or cooled to his latest hour. He was brought up among that class of great Virginians whose influ-

ence, half a century ago, pervaded the whole country, and whose opinions were everywhere accepted as the standard of political orthodoxy. Of that old school he was among the last, perhaps the very last survivor, who mingled with its founders upon a footing of equality, and received the precepts of wisdom from their own lips. It may be that the time is almost upon us when the American people will learn the value of the lessons they taught.

“Judge DANIEL’s attachments were not confined to Virginia. He had a large affection for the whole Union, and looked with alarm upon what he regarded as the signs of its gradual decay. He indulged, and always expressed, a just pride in the great structure which his fathers had helped to rear; and he did not attempt to conceal a corresponding dislike for those who were undermining its foundations. These sentiments account for the fact that his judgments in this court are marked in a rather uncommon degree by frequent recurrence to the fundamental principles of the Government, and by a steadfast defence of the Constitution, strictly interpreted, and by earnest exhortations to walk in the good old paths.

“He held the pen of a ready writer. He was a ripe scholar and a good one. The evidences will be found all over his opinions that he was a man of thorough education and cultivated literary tastes. His tenacious memory retained without effort the classical acquisitions of his youth. His style, though it sometimes seemed ambitious, was never inflated. His imagination was too well balanced by his judgment to lift him above, or carry him above, or carry him beyond his subject, but it gave great vigor to his logic, and added much to the momentum with which he reached his conclusions.

“I need not say to you, his brethren, who knew him long and intimately, that he was a man of perfect integrity. The laws of this country were never administered by any judge who had a higher moral tone, or who was influenced by purer motives. Indeed, his attachment to the right, as he apprehended it, was so true, and his consequent hatred of the wrong was so intense, that he was sometimes in danger of going too directly to his purpose and treating with too much contempt the obstacles that intervened. But love of justice, even in excess, is not only the first of judicial virtues, but the noblest

feeling of the human heart. The fault that is born of such a virtue gives its possessor a new title to our admiration. It is scarcely a paradox to say that a temper like that is more perfect than a better one.

“He not only lived like an honest man, but he died like a Christian, in the unshaken hope that his audit would stand well. He knew that it was ‘not all of life to live, nor all of death to die;’ but he had fought the good fight, he had kept the faith, and he was ready to be delivered.

“A meeting of the Bar was held yesterday, at which certain resolutions on this melancholy subject were passed, and I was directed to lay them before the court. Your honors will permit me to express the hope that you will place on your records, in some enduring form, this evidence of the high estimation in which Judge DANIEL was held by the legal profession, and that you will add the testimony of the court itself to his exalted worth as a man and a judge. Of such a character it is fit that the dignity should be vindicated and the value made known. Let not the just man go to his grave unhonored; for these are not the times when we can lose the benefit of a great example.”

To which Mr. Chief Justice TANEY made the following reply:

“The court cordially assent to the resolutions adopted by the Bar and officers of the court, and to the just tribute paid to the memory of our deceased brother by the Attorney General when presenting them. Mr. Justice DANIEL was constantly associated with the labors and duties of this court for nineteen years; and some of us have been accustomed for that long period of time to meet him on the bench and at the private consultations and conferences among the members of the court; and we all feel that he well deserves to be remembered for the many high and excellent qualities which he constantly displayed both as a man and a judicial officer. The members of the Bar who have been engaged in the argument of cases before this tribunal can bear witness to the attention and urbanity with which he uniformly listened to them. And the members of the court who so often met him and heard him when assembled in their private conferences well know the patient and earnest industry with which he investigated and considered every case before he formed his judgment upon it.

His published opinions, delivered from this bench, will show his legal learning and careful and extensive research; and also the firmness and independence with which he maintained the opinions he had deliberately formed, and which he believed to be right.

“His death has made our first meeting in this new hall a sad and painful one; and we shall direct the proceedings of the Bar and officers of the court and the address of the Attorney General to be placed on the records of the court as a mark of the sincere respect and regard of this tribunal, of which he was so long a member; and shall adjourn until tomorrow without engaging to-day in any of the ordinary business of the court.”

The proceedings of the meeting are in the following words:

“At a meeting of the members of the Bar and officers of the court, held in the Supreme Court room on Monday, the 3d day of December, 1860, the Hon. Jefferson Davis, of Mississippi, was called to the chair, and John A. Rockwell, Esq., of Connecticut, appointed secretary.

“On motion of Edwin M. Stanton, Esq., 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 Hon. PETER V. DANIEL, one of the Associate Justices of the Supreme Court of the United States.

“Whereupon the chair appointed the Hons. J. M. Mason, S. F. Vinton, and P. Phillips, to constitute the committee.

“Hon. J. M. Mason, on behalf of the committee, reported to the meeting the following resolutions, which were unanimously adopted:

“*Resolved*, That the members of the Bar and officers of the Supreme Court of the United States deeply deplore the death of the Hon. PETER V. DANIEL, who, for the period of nineteen 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 they will cherish an affectionate remembrance of his many virtues and eminent worth as a judge, a patriot, and a man, and they 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 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 the minutes.

JOHN A. ROCKWELL, *Secretary*.

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John A. Rosewell, Secretary.