

## MEMORANDA.

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THE Honorable ROGER BROOKE TANEY, Esquire, of Maryland, Chief Justice of this Court, departed this life, in the 88th year of his age, on the evening of Wednesday, the 12th October, 1864, at his residence in the City of Washington, in vacation; having presided on this bench since the 15th March, 1836; a term of more than twenty-eight years.

On the opening of the Court at its present session, December 7, 1864, the Honorable Thomas Ewing, of Ohio, Chairman of a Committee of the Bar, and senior member attending, presented, with appropriate remarks, the proceedings of a meeting of that body, which had been held in the Capitol on the preceding day, and which, after a preamble, concluded with the following resolutions:

*Resolved*, That the members of this Bar and officers of this Court, deeply impressed by the great and good qualities and acquirements and illustrious life of the late Chief Justice ROGER BROOKE TANEY, deplore the decree, inevitable at his advanced age, which has removed him from his place of usefulness, dignity, and honor here.

*Resolved*, That they will wear the usual badge of mourning during the term.

*Resolved*, That the Chairman of this Committee move the Court, at its meeting to-morrow, to direct these proceedings to be entered on the minutes, and that a copy be transmitted to the family of the deceased Chief Justice, with the respectful assurance of the sincere sympathy of the Bar.

The resolutions having been read by Mr. Carlisle, of the District, mover of them in committee, the Honorable Mr. Justice WAYNE, Senior Associate of the Court, who had sat on this bench for a longer time than even the whole of the long term in which the Chief Justice was here, and during absences of the deceased Chief Magistrate, in later times, incident to his venerable years, had presided with rare dignity and to universal acceptance, replied:

“GENTLEMEN OF THE BAR: The Court receive with sensibility your resolutions commemorative of the life, the virtues, and the judicial eminence of our deceased friend and brother: we cherish his memory with affectionate recollections and with respectful veneration.

“Your tribute will be soothing to the hearts of his family, and with other notices of his death in the circuits, will be the memorial of a character which lawyers and judges may emulate with advantage.

“His life was honorable and useful. In early manhood it gave assurances that in both respects he would become distinguished. It disclosed the qualities and acquirements which were the foundation of his distinction. They were the anticipations of it.

“In a few years after his admission to the bar he was recognized to be a sound lawyer by the distinguished advocates of that day in the courts of Maryland, whose reputations were known in every part of the United States. His general demeanor, studious habits, and pure life, gave him the good-will and confidence of the people of the town and county in which he lived, and, without having been voluntarily a candidate, they elected him, at different times, their representative in places of trust and political interest, in which the whole State was concerned. In his discharge of them, he was marked to be one who could be relied upon in those public exigencies which it requires firm character and statesmanlike ability to manage and control successfully. In such public employments, and in the practice of his profession, it was admitted by his associates, and the able men who watched his course with interest and with expectation, that he had made himself familiar with the history of the law, in all its relations, for the organization of government for the preservation of human rights, and also with those principles which had, from the instincts of men as to right and wrong, or which had been arbitrarily made in ancient and later times, to rule the rights of property and the general conduct of persons in society in connection with their obligations to authority. He had read and reflected upon all that had been written concerning society and the control of it; also as to its actual condition, as made known by sacred and profane history, and the history of modern times. That course of reading and reflection familiarized him with the consideration of human rights, and strengthened his ability and disposition to maintain them. But he was no enthusiast. He thought that men had not been solely the victims of power, but of circumstances, in all times, and in our day, before modern civilization had received the full impress of the principles and divine tendencies of Christianity, and when rulers and legislators forgot those obligations by permitting the violation of them for the advancement of State policy and trade. He thought that God had designed for men rights, whatever might be the condition of their humanity, which could not be taken from them by fraud, by violence, or by avarice, with impunity from God's chastisement. Under such convictions he gave freedom to the slaves he had inherited, aided them in their employments, and took care of them when they were in want. He often said that they had been grateful, and they had never caused him a moment's regret for what he had done.

“By temperament he was ardent. Its impulses, however, could only be

seen in his eyes and heard in fervent language, when it was excited by an occasion; but he was never impetuous or vehement. He was courteous at all times, to every one, without affectation. He was cautious and circumspect without being indecisive; and the resolves of his purposes and principles were habitually expressed in words showing the sincerity of his convictions, without offence to any who thought differently. He was generous, and the only measure of his liberalities was his inability to give more. He was the willing advocate, professionally, of any one oppressed under color of the law, or who was too poor to litigate a legal right, or to seek in court the redress of a wrong. In becoming so he encountered responsibilities by opposing preconceived public opinion, and corrected this by reconciling popular misapprehension to himself and his client. The control of himself and his temper was no doubt the result in part of a practised philosophy, but it had its foundation in a higher source. In the full maturity of his life and mind he made a profession of his Christian belief, and, with the usual constancy of his nature, he died in the faith of his ancestors, in the communion of the Roman Catholic Church.

“He lived in Frederick City for twenty-three years, and then left it to reside in Baltimore. The prospect there of a larger practice and greater professional eminence induced him to do so. Several of the distinguished lawyers of the Baltimore Bar had died within a few years, leaving it without a leader. He took that position, and maintained it with increased reputation, when he was called to Washington, having received the appointment of Attorney-General of the United States. He was at that time the Attorney-General of Maryland. He had been called to that office by the Governor and Council, though they differed from him in politics, at a time of strong excitement. He was an avowed supporter of the side in opposition to that which they took. It was a magnanimous disregard of their differences, for which the Governor and his Council were honored and are still remembered. It led to his appointment as Attorney-General of the United States, by which his State reputation became national. When the latter office became vacant, though the claims of other distinguished lawyers and politicians were discussed, yet his fitness for the discharge of the duties of the office, and for the support of the principles of the Administration of which he was to become a member, was admitted by all. He was a worthy successor of those able men who had held the office for twenty years. It would be out of place at this time to particularize the cases of his official success and ability. His arguments were listened to with the marked attention of the Court, and, whether successful or otherwise in the case, his brief comprehended all the points of it, and all the law applicable to them.

“Of the political course of Chief Justice TANEY when he was the Attorney-General and the Secretary of the Treasury, we need only say that the party contests of that day have passed away, with the admission of those who were engaged in them that his course was sincere, and sustained with ability. His virtues as a statesman and judge were worthy of all the honor bestowed upon him, and they have been illustrated by services to his country which will place him in its history among our ablest and best men.

“As his predecessor, our great MARSHALL, had been, he was made Chief Justice, having but recently held high political office. Both were leaders in support of the policy of the Administrations of which they had been Cabinet officers. Each had to meet opposition of talent and eloquence,—Marshall, from those who had the impress of services in our long revolutionary struggle with England for national independence, and for their conspicuous agency in the formation of the Constitution of the United States; his successor, the opposition of the men of talent and virtue, who had, as legislators and in arms, carried the nation through a successful war with the same Power in support of its commercial interests and its rights of navigation.

“It is a happy occurrence that two such men should have been Chief Justices in succession, and that the life of each of them should have been prolonged to their respective ages. They presided in this court for sixty-three years, and by their decisions, aided by their associates and by the learning of the District Judges of the United States, we have a body of law, constitutional and other, unsurpassed in the records of courts, for the security which it gives to political, personal, and municipal rights. It is truly a system upon which we can rely as a foundation for securing the rights and independence of the States of this Union, and our National Liberty. Gentlemen of the Bar, it is our part to maintain it, and if this shall be done by us with discretion, and with a spirit exempt from the corruptions of party, our country will again be what it was before it became distracted by rebellion and scourged by civil war.

“The Court order that your resolutions be placed on the minutes, and that they have such other direction as you may desire.”

And thereupon the Court adjourned

By commission from President Lincoln, dated December 6th, 1864, the Honorable SALMON PORTLAND CHASE, Esquire, of Ohio, lately Secretary of the Treasury of the United States, and previously a Senator from Ohio, as well as at one time Governor of that State, succeeded to the vacant office. He first took his seat upon the bench December 13, 1864, having previously, on the same day, taken the oath of allegiance, in the room of the judges, and the oath of office in open court, at his place upon the bench, in the presence of a large number of ladies and gentlemen, who had assembled to witness a ceremony which, in this nation, had taken place but once in sixty-three years preceding.

Messrs. Justices CATRON and DAVIS were indisposed during the term, and did not sit.