

MEMORANDA.

THE Honorable JOHN CATRON, Esq., Associate Justice, departed this life at his residence in Nashville, Tennessee, on Tuesday evening, May 30, 1865; being near his 80th year, and having sat on this bench for twenty-eight years. He had previously sat for twelve years on that of the Supreme Court of Tennessee; making in all a judicial life of forty years.

He was born in Pennsylvania near the year 1786, and in early childhood was removed first to Virginia, afterwards to Kentucky. About 1812 he began the study of the law in the last-named State, but abandoned for a time his reading at the call of the country, to take up arms in our war of that day against Great Britain; serving under General Andrew Jackson, through at least one campaign. In 1815, however, he was found sufficiently prepared to be admitted to the bar, and succeeding to the practice of a friend then just elected to Congress, became, at an earlier period of life than is usual with practitioners of the law, known upon the circuits. In 1818 he went to reside at Nashville, the metropolis of Tennessee. The next year, so disastrous in the commercial history of our nation, brought to him large concerns of mercantile business, and both reputation and profit. In December, 1824, he was elected by the legislature one of the judges of the Supreme Court of the State, an office which he held till 1836, when he was displaced by a change in the Constitution of the State. He had acted as Chief Justice for about six years before this time. His decisions are reported in different volumes of *Yerger*.

On the 4th of March, 1837, Congress, by an act of the preceding day, having authorized an additional judge, President Jackson, as almost the last act of his administration, nominated his companion in arms, Mr. Catron, to the bench of the Supreme

Court of the United States. A new circuit, the eighth, then also just created, and composed of Missouri, Kentucky, and Tennessee, was allotted to him. He continued to preside in that circuit till July, 1862; when Congress, having reorganized the circuits, and Missouri being assigned to Mr. Justice Miller, as part of the ninth, Mr. Justice Catron was assigned to the sixth, which included Kentucky, Tennessee, Arkansas, Louisiana, and Texas. He was the presiding justice in this ambit when he died. An obituary notice in one of the journals of the law, derived in part apparently from a eulogy by his honorable and accomplished associate in Missouri, Mr. Justice TREAT, presents some features of his mind and tastes and closing years:

“ His knowledge of the land laws of his circuit was large. He had had great experience in them. It was his satisfaction that both at the bar and on the bench he struggled to give full force and effect to statutes of *repose*,—to those laws which would put an end to litigation and strife. He understood the controlling doctrines governing Western titles, and sought so to apply them as to make each settler safe in his landed rights. His decisions on those subjects were practical, tending always to one great end,—the earliest possible settlement of controversy. As the basis of material prosperity rests upon the security of titles to realty, he labored to uphold that security; and the fruit of his labors his circuit has long enjoyed. His knowledge of the common law was good; and his opinions, generally speaking, were based on principles, as he conceived them, rather than on authorities cited. ‘I insist,’ was his language, ‘on thorough legal training and constant study; but object, from whatever source it come, to the parade of authorities; gathered often from the index, having rarely any value in the case, and which, sometimes, is but the address of Vanity to Ignorance.’

“ In only one instance, so far as known, did he wish a circuit opinion of his, or of his colleagues, published. That was on a department of law comparatively but little known in the West at that time. But even then he insisted upon his colleague’s writing and delivering the opinion; simply adding that he concurred in the result.

“ When, however, rebellion burst upon the country, and the border States seemed to be inundated with views fatal to the Constitution and Union, Judge Catron declared at once to his junior on the circuit bench the necessity not only of announcing the law, but of explaining its wisdom and beneficence; as also

of enforcing its justice. Hence, the many written opinions since delivered from the Federal benches in his circuit; and the carefully prepared 'charge to the grand jury' in Missouri, at the special term in 1861 and subsequently. He had neither doubt nor fear, nor hesitancy in that crisis. He was born before the adoption of the Constitution; he had witnessed its influence at home and abroad; he had seen the territory of the republic extended to the Rio Grande and the Pacific Ocean, and new States springing into existence and adding power and glory to the nation abroad; while at home the people had felt the Federal laws and government only through their countless blessings, and the machinery of national administration was moving without jar or injury to any State, or Territory, or district. He had served under Jackson in the field, and afterwards had rallied his countrymen to support him in the threatened disorders of nullification. He knew that, for all evils existing or threatened, the law furnished redress and protection; that there could be no apology for forcible resistance to it; and he had too long administered the Constitution and the laws, and treaties made pursuant thereto, as the *supreme law* of the land, to be deluded by the idea that on matters which belonged to the NATION, State authority could at any time be supreme.

"On the adjournment of the Supreme Court, in the spring of 1861, he hastened from Washington, with his sick and helpless wife, to avert, if possible, the gathering storm. He was compelled to choose first between Kentucky and Missouri, for their circuit terms were in the same month. Trusting to his colleagues at St. Louis for the performance of whatever the law might demand in Missouri, he took his seat on the circuit bench in Kentucky, and, after closing its business, hastened to Nashville. The course of the Missouri State authorities soon became apparent, and the proclamation of its governor, asserting false doctrines, to the ruin of most who acted on them, rendered it proper, in the opinion of the youngest of the circuit judges there, to order a special term of the Circuit Court for Missouri, without waiting to consult his brother judges. Time was important. The required notice rendered it impossible to hold such a term lawfully before the 1st of July. To delay, for the purpose of first communicating with Justice Catron at Nashville, would prevent one of the important purposes for which the term should be held. At that time Judge Wells was at Jefferson City, where the governor had gathered, or was gathering, troops for treason-

able purposes. If a special term of the District Court were held there it might be interrupted, or its process rendered powerless. If a special term of the Eastern District Court were held, its proceedings would not reach those parts of the State where conspirators were chiefly at work. It was deemed necessary, therefore, that the United States Circuit Court should meet at the place fixed by law (St. Louis), because its process and jurisdiction over the whole State was complete, and because the utterances of a full circuit bench would probably command more general attention and respect. Having issued the order, it became necessary to communicate the fact to Justice Catron, then at Nashville, within the rebel lines, from whom nothing had been heard for weeks. Through the assistance of the then district attorney the object was effected, and a reply received promising that he would be at St. Louis if escape through the rebel lines, with life, were possible. Not knowing whether he or Judge Wells would be able to reach the place in time, the necessary charge to the grand jury was prepared by Mr. Justice Treat in advance, and met, on their arrival, their cordial approbation. Its delivery to the grand jury and immediate publication showed that there was no difference of opinion on the bench there, while the opinions delivered on kindred subjects at that term manifested that there would be no judicial hesitancy in upholding the Constitution and laws. That was the last term in which he presided at St. Louis.

"As he was about to leave that city for his home, in Nashville, he conversed freely with his colleagues as to what course the law demanded, and as to his fixed determination to use his utmost efforts to induce the people of his State to adhere to their duty and the Union. Tennessee was in his circuit; he had lived there for more than half a century; his property and kindred were there. His home had always been open to all men of intelligence and worth. Hardly a person of influence had failed to receive his hospitality in times past, or to listen with respect to his counsel. He was resolved to enforce the law as a judge, and as a patriot to reason with, persuade, and advise the people. He feared no personal danger, and did not believe that unkindness could be shown him there. In that he was deceived. Hardly had he reached home when a 'committee' waited upon him, urging him to go away at once. It had been resolved by ardent people that he should not remain without indignity to his person. That visit was the last act of supposed friendship

which those who called on him were suffered to discharge. On the part of the committee the visit was designed as a friendly warning. It is probable that he would have remained and dared the worst if his wife's health and entreaties had permitted. It was for her, and not for himself, that he then left his old home. By the industry of early life he had acquired means to gratify his tastes, friendships, and love of hospitality. He had hoped to spend the remainder of his life peacefully in his allotted work, sharing his joys with life-long friends and associates. He had already passed the threescore years and ten, and had no new ambitions to gratify, and no wish but to perform the duties that lay yet before him. But his hopes of personal repose were gone; and in old age he found himself in alienation from nearly all in whom he had most confided. Still no passion was excited, no vindictiveness stirred within him. His sorrow was the calm sorrow which laments for the folly of others, forgetful of its own suffering. But the wound was deep, and never ceased to prey upon him. His time was absorbed for many months in care for his sick and suffering wife, and, as her health was restored, his own began to fail. In the winter of 1864-5 he was necessarily absent, for the first time, from the place in the highest judicial tribunal of his country, which he had long illustrated by his integrity and patriotism. His former buoyancy was gone; and it may be doubted if any physical health could have long endured the solicitudes which events had placed upon him."

It is a source of high satisfaction to add that, after being driven from his home, this patriotic judge lived long enough to see the tide of rebellion roll back; to return again to Nashville, to resume and to discharge there his judicial duties. And that, before his eyes were closed in death, the glories of a united nation dawned once more upon him. He then sank to rest with faith in the cause of constitutional liberty; "liberty regulated by law."

At the opening of the present term, December 4th, a meeting of the bar and officers of the court was held in the Capitol, and the following resolutions adopted:

Resolved, That the members of this bar and the officers of the court sincerely lament the death of the Hon. JOHN CATRON, late an Associate Justice of the Supreme Court, and express the high consideration they entertain of the integrity, dignity, impartiality, love of justice, and strong common sense which marked his character as a judge and as a man.

Resolved, That in manifestation of these sentiments they will wear the usual badge of mourning during 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 sympathy and respect.

Resolved, That the Attorney-General be requested to present these proceedings to the court, and to move that they be entered on its minutes.

On the assembling of the court, December 5th, the Attorney-General presented the resolutions. After doing so he remarked :

Mr. Justice Catron presided in the Circuit Court for the district in which I practised. I knew him as a judge from my early years. My acquaintance continually enhanced the respect and admiration with which from the first I regarded him. With the advantage of only limited education he rose easily and pleasantly to the high position he illustrated. Possessing a vigorous mind, diligent habits, earnest and honest purposes, and simple, unaffected manners, his life was one of dignity and usefulness. His loyalty—not the result of location, association, policy, or of mere sentiment, but of simple native integrity, allied to native good sense and firmness—was a sheet anchor to the States of Tennessee and Kentucky during our late troubles. The memory of such a character and such a life goes far to soften the sorrow we feel for the loss the country has sustained. The grave has closed over his remains; but I am sure it cannot shut out from your chamber, so long the scene of his labors, the memory of his character, as it cannot deprive his country of the good he did, or mankind of his bright example.

The resolutions having been read, the CHIEF JUSTICE replied :

The court unites with the bar in honor to the memory of our departed brother Catron, and in sorrow for his loss. He was less known to me than to any other member of this tribunal, and yet sufficiently known to be the object of great respect and sincere esteem. His brethren affectionately remember him as an upright man and an excellent judge. It is their testimony that, in the learning of the common law and of equity jurisprudence, and especially in its application to questions of real property, he had few equals, and hardly a superior. He was even more distinguished by strong, practical good sense, by firmness of will, and straightforward honesty of purpose. Ever frank and earnest in the expression of his opinions, he was yet void of desire to impose them arbitrarily on others. The candor and patience with which he listened to argument found fitting counterparts in the impartiality and equity of his judgments. These judgments remain, and are his best monument. While the records of this court endure they will recall the memory of the just and fearless magistrate who pronounced them, and will be esteemed as valuable contributions to the jurisprudence of his country. They will command from the profession the confidence and respect which was felt for the author by his associates in the court.

As a testimonial of honor, of affection, and of sorrow, the court will order that the proceedings of the bar, with this response, be entered on the records, and will adjourn to-day without transacting its ordinary business.

And thereupon the court adjourned.