

MEMORANDA.

RESIGNATION OF MR. JUSTICE GRIER.

ON the 31st day of January, 1870, Mr. Justice GRIER sat for the last time upon this bench. He was appointed to it on the 4th day of August, 1846. Possessed, until within three years ago, of health so remarkable as that from the time of first taking his seat, he was never absent from the court, he found himself, in the summer of 1867, without pain, and almost without consciousness of any shock, when attempting to rise from his seat, largely deprived of power of using his lower limbs. Partial paralysis had impaired his ability to move them with strength, and to depend upon them. While not affecting the brain at all, or the muscles of the upper part of his frame, it was observed by him at a later date, that the shock did affect his power to use his hand in writing, and to consult with facility the heavy books of the law. And having now attained to the age of seventy-six years, and discharged judicial duty for nearly forty, he deemed it proper, in view of these increasing physical infirmities, to inform the President of his wish to retire from the bench. The President was good enough most kindly to receive his resignation, and to address to him a letter, as follows:

EXECUTIVE MANSION, December 15th, 1869.

To the Hon. ROBERT C. GRIER.

SIR: Your letter containing the tender of the resignation of your office of Associate Justice of the Supreme Court of the United States, to take effect on the 1st day of February next, has been received by me to-day, and your resignation is accordingly accepted, to take effect on that date.

I sincerely regret the increasing physical infirmities which induce you to retire from the bench, and with the assurance of my personal sympathy and respect, desire also to express my sense of the ability and uprightness with which your judicial duties have been performed.

In looking upon your long and honorable career in the public service, it must be especially gratifying to yourself to remember, as it is my agreeable duty and privilege on this occasion thus distinctly to recognize, the great

service which you were able to render to your country in the darkest hour of her history, by the vigor and patriotic firmness with which you upheld the just powers of the Government, and vindicated the right of the nation under the Constitution to maintain its own existence.

With the hope that your retirement may be cheered by the knowledge of public gratitude, as well as by private affection,

I remain, very respectfully yours,

U. S. GRANT.

Upon the adjournment of the court, on the day when Mr. Justice GRIER last sat with it, and after his return to his own residence, his brethren waited upon him there in a body, to express their assurances of gratitude for his services, veneration for his character, and best wishes for his happiness. This was done in the form of a letter, signed by the entire bench, and read to him by the Chief Justice. The letter was as follows:

SUPREME COURT ROOM,
WASHINGTON, January 31st, 1870.

DEAR BROTHER: Your term of judicial service as a justice of the Supreme Court of the United States, will close to-day, by your resignation. We cannot permit an event so interesting to pass without expressing to you something of the feeling which it excites in us; for some of us have been long associated with you, and, though the association of others has been for briefer periods, we all honor and love you.

Almost a quarter of a century ago you brought to the labors of the court a mind of great original vigor, endowed with singular powers of apprehension and discrimination, enriched by profound knowledge of the law, and prepared for the new work before you by large experience in a tribunal of which you were the sole judge.

Already you possessed the esteem, the respect, and the entire confidence of the bar and the suitors who frequented your court, and of the people among whom you administered justice.

Transferred to a more conspicuous position, you won larger honors. The sentiments of the profession and of the people of a single city and State became the sentiments of the American bar and of the whole country.

We who have been nearest to you, best know how valid is your title to this consideration and affection. With an almost intuitive perception of the right, with an energetic detestation of wrong, with a positive enthusiasm for justice, with a broad and comprehensive understanding of legal and equitable principles, you have ever contributed your full share to the discussion and settlement of the numerous, and often perplexing, questions which duty has required us to investigate and determine.

This aid we gratefully acknowledge, and can never forget. Nor can we ever cease to remember the considerate magnanimity with which you have often recalled or modified expressions of which your own reflections have disapproved as likely to wound, unnecessarily, the sensibilities of your brethren of the bench or the bar.

Your eminent services as a judge command our respect and gratitude; your magnanimity and kindness as a man, in our official and personal intercourse, have drawn to you, irresistibly, our veneration and love.

We deeply lament that infirmities, incident to advancing years, constrain you to retire from the post you have so long and so honorably filled. But, though you will no longer actually participate in our labors here, we trust that you will still be with us in spirit and sympathy. We shall still seek aid from your counsels; we shall still look for gratification from your society. May you live many years to give us both! May every earthly blessing cheer, and the assured hope of a blessed immortality, through Christ, our Saviour, brighten each year with ever increasing radiance!

With warm affection and profound respect, we remain your brethren of the bench,

SALMON P. CHASE, Chief Justice.
 SAMUEL NELSON, Associate Justice.
 NATHAN CLIFFORD, " "
 NOAH H. SWAYNE, " "
 SAMUEL F. MILLER, " "
 DAVID DAVIS, " "
 STEPHEN J. FIELD, " "

The Hon. ROBERT C. GRIER,

Associate Justice of the Supreme Court of the United States.

The Chief Justice was sensibly affected during the reading of this letter, and his associates as well. Mr. Justice GRIER was even more so. Thanking them for their great kindness, he received the letter from the hands of the Chief Justice, and promised to acknowledge it in writing on the next day. On the next day, before the opening of the court, he transmitted to the Chief Justice his autograph reply, as follows:

WASHINGTON, February 1st, 1870.

To the Hon. SALMON P. CHASE, Chief Justice, the Hon. SAMUEL NELSON, and others, Associate Justices of the Supreme Court of the United States.

MY DEAR BRETHREN: Your letter, read to me by the Chief Justice last evening, quite overcame me, and I could *then* make no reply. I promised to respond in writing.

My pen, even now, cannot express the profound emotions it awakened; sentiments of esteem and affection toward each one of you; sentiments of regret, not unmingled, I trust, with resignation that increasing infirmities have compelled our separation, and sentiments of gratitude for such a testimonial from my brethren at the close of my long term of service.

In my home in Pennsylvania, whether life be long or short, you may rest assured I shall always cherish for each of you warm affection and sympathy.

That God's blessing may rest upon the Supreme Court of the United States, and upon each of its members, is the fervent prayer of your late associate and brother,

R. C. GRIER.

The Chief Justice, on the court's coming in, upon the 1st of February, mentioned the interesting proceeding and correspondence which had taken place, and stated that without reading the letters, the court would order both to be entered on the record. And they are so entered.

On the morning previous to Mr. Justice GRIER's retirement, the following letter from the bar was delivered to him by a committee of its members :

WASHINGTON CITY, D. C., January 30th, 1870.

To the Hon. ROBERT COOPER GRIER,

Associate Justice of the Supreme Court of the United States.

DEAR SIR: As members of the bar of the United States, and particularly as members, nearly every one of us, of the bar of its Supreme Court, we cannot permit you to retire from the tribunal which you are about to leave, without expressing our deep regret that the condition of your health makes it, in your opinion, a duty to do so; and our sense of the great loss which the bar, the court, and the country will sustain.

During the twenty-three years that you have been a member of the Supreme Court of the United States, your learning and ability have given, if possible, additional authority to its judgments, and illustrated your eminent fitness for the high office which you occupied.

It is our earnest and affectionate wish that your life, with health improved by cessation from your arduous labor, may be greatly prolonged, and that your mental powers in all their vigor may remain unclouded to the last.

We remain, with the highest respect, Dear Sir,

Sincerely your friends,

THOMAS EWING (Ohio),	HENRY STANBURY (Ohio),	W. M. MEREDITH (Pa.),
REVERDY JOHNSON (Md.),	OLIVER P. MORTON (Ind.),	R. H. DANA, JR. (Mass.),
B. R. CURTIS (Mass.),	B. H. BREWSTER (Pa.),	SIDNEY BARTLETT (Mass.),
LUKE P. POLAND (Vt.),	A. G. THURMAN (Ohio),	GEO. S. BOUTWELL (Mass.),
M. H. CARPENTER (Wis.),	T. F. BAYARD (Del.),	CAUSTEN BROWNE (Mass.),
J. HUBLEY ASHTON (Pa.),	E. CASSERLY (Cal.),	H. W. PAINE (Mass.),
M. BLAIR (Mo.),	THOS. J. DURANT (La.),	J. G. ABBOTT (Mass.),
G. W. PASCHALL (Texas),	R. D. HUBBARD (Conn.),	BENJ. F. BUTLER (Mass.),
LYMAN TRUMBULL (Ill.),	E. W. STOUGHTON (N. Y.),	W. A. FIELD (Mass.),
H. L. DAWES (Mass.),	WARD H. LAMMON (Ill.),	F. F. HEARD (Mass.),
GEO. F. EDMUNDS (Vt.),	BENJ. V. ABBOTT (N. Y.),	ED. H. BENNETT (Mass.),
WM. M. EVARTS (N. Y.),	J. R. DOOLITTLE (Wis.),	BENJ. F. THOMAS (Mass.),
F. A. DICK (Mo.),	SAML. W. FULLER (Ill.),	C. N. POTTER (N. Y.),
ORVILLE HORWITZ (Md.),	D. W. VOORHEES (Ind.),	GEO. M. ROBESON (N. J.),
W. D. DAVIDGE (D. C.),	HENRY WHARTON (Pa.),	JAMES A. GARFIELD (Ohio),
JOHN WM. WALLACE (Pa.),	E. C. BENEDICT (N. Y.),	R. W. GREEN (R. I.),
WM. E. CURTIS (N. Y.),	C. VANSANTVOORD (N. Y.),	C. S. BRADLEY (R. I.),
CHAS. A. ELDRIDGE (Wis.),	H. M. WATTS (Pa.),	ABRAHAM PAYNE (R. I.),
GEO. W. WOODWARD (Pa.),	W. T. OTTO (Ind.),	GEO. H. BROWNE (R. I.),
S. S. MARSHALL (Ill.),	S. S. FISHER (Ohio),	BENJ. F. THURSTON (R. I.),
JOHN A. WILLS (D. C.),	P. MCCALL (Pa.),	W. B. LAWRENCE (R. I.),
R. M. CORWINE (Ohio),	C. INGERSOLL (Pa.),	THOS. A. JENCKES (R. I.)

M. C. KERR (Ind.),	ELI K. PRICE (Pa.),	JAMES H. PARSONS (R. I.),
WM. M. STEWART (Nev.),	GEORGE W. BIDDLE (Pa.),	ROBERT MCKNIGHT (Pa.),
N. P. CHIPMAN (Iowa),	EDWARD SHIPPEN (Pa.),	T. M. MARSHALL (Pa.),
WM. LOUGHRIDGE (Iowa),	W. M. TILGHMAN (Pa.),	GEORGE SHIRAS, JR. (Pa.),
JOS. H. BRADLEY (D. C.),	W. H. RAWLE (Pa.),	ROBERT WOODS (Pa.),
WILLIAM GREEN (Va.),	CRAIG BIDDLE (Pa.),	JOHN P. PENNEY (Pa.),
WILLIAM F. JOYNES (Va.),	EDWARD OLNSTEAD (Pa.),	JOHN H. HAMPTON (Pa.),
R. M. HETERICK (Va.),	JAMES T. MITCHELL (Pa.),	JAMES K. KERR (Pa.),
W. A. MAURY (Va.),	HOR. G. JONES (Pa.),	HILL BURGWIN (Pa.),
W. H. MACFARLAND (Va.),	W. H. RUDDIMAN (Pa.),	W. BAKEWELL (Pa.),
L. R. PAGE (Va.),	WM. D. KELLEY (Pa.),	WILLIAM SCHLEY (Md.),
S. A. GOODWIN (Ill.),	EDWARD E. LAW (Pa.),	R. J. BRENT (Md.),
I. W. ARNOLD (Ill.),	DAVID PAUL BROWN (Pa.),	GEORGE W. DOBBIN (Md.),
C. BECKWITH (Ill.),	ISAAC HAZLEHURST (Pa.),	A. W. MACHEN (Md.),
H. G. MILLER (Ill.),	A. J. FISH (Pa.),	WILLIAM F. GILES (Md.),
S. B. GOOKINS (Ill.),	HENRY FLANDERS (Pa.),	JOHN H. THOMAS (Md.),
T. LYLE DICKEY (Ill.),	F. C. BREWSTER (Pa.),	GEORGE M. GILL (Md.),
ROBERT S. HALE (N. Y.),	FRANCIS JORDAN (Pa.),	F. W. BRUNE (Md.),
AMASA J. PARKER (N. Y.),	F. C. BRIGHTLY (Pa.),	THOS. DONALDSON (Md.),
D. WRIGHT (N. Y.),	LEONARD MYERS (Pa.),	JOHN H. B. LATROBE (Md.),
J. S. BLACK (Pa.),	M. W. ACHESON (Pa.),	J. NEVETT STEELE (Md.),
J. M. CARLISLE (D. C.),	H. B. WILKINS (Pa.),	WM. HY. NORRIS (Md.),
C. CUSHING (Mass.),	JAMES VEECH (Pa.),	S. TEAKLE WALLIS (Md.),
GEORGE HARDING (Pa.),	SAM. A. PURVIANCE (Pa.),	GEO. WM. BROWN (Md.),
P. PHILLIPS (D. C.),	THOMAS McCONNELL (Pa.),	SAMUEL TYLER (Md.),
W. L. SHARKEY (Miss.),	JAMES J. KUHN (Pa.),	P. VREDENBURGH (N. J.),
E. C. LARNED (Ill.),	T. P. CARPENTER (N. J.),	B. WILLIAMSON (N. J.),
EDWARD LANDER (D. C.),	F. FRELYNGHUYSEN (N. J.),	J. W. SCUDDER (N. J.),
WILLIAM JOHNSTON (D. C.),	CORTLAND PARKER (N. J.),	P. D. VROOM (N. Y.),
HORACE MAYNARD (Tenn.),	T. D. LINCOLN (Ohio),	JOS. P. BRADLEY (N. J.).

To this letter Mr. Justice GRIER was pleased to return an acknowledgment, as follows :

CARROLL ROW, WASHINGTON,
February 2d, 1870.

GENTLEMEN: I am obliged to you for the expressions contained in your letter.

It has been the privilege of the Supreme Court of the United States to have had, from the organization of the Federal Government, an able and learned bar. That privilege, conspicuous during my term of office, and continuing to its close, happily survives it. May such a privilege never depart from that great court, nor from any court of our land !

A well-read and able bar must always exist if courts are themselves to be distinguished. No court has ever been greatly eminent without such a bar. The upright, fearless, able, and learned lawyer is as much a minister of justice as the court to which he speaks. And in the same degree in which there are such men to aid, enlighten, and inform the courts of any country, will that country have, in the main, a jurisprudence worthy of honor, with security in public and private right.

I shall retain a recollection, as long as I retain recollection at all, of the advantage and pleasure which, during my time upon the bench, I have de-

rived from that learning and those abilities which have so well maintained the earlier eminence of the bar of the Supreme Court; and a not less agreeable one, gentlemen, of that social intercourse with you, by which official and personal relations have been united in unbroken harmony.

Official relation has ended! To a continuation of such personal intercourse as my now imperfect health allows, I look forward with hope and with satisfaction.

I remain, Gentlemen, with high respect,
Your obliged friend,
R. C. GRIER.

To the Hon. THOMAS EWING and others.

ROBERT COOPER GRIER was born March 5th, 1794, in Cumberland County, Pennsylvania, where his father, the Rev. Isaac Grier, at that time resided; his mother was the daughter of the Rev. Robert Cooper, of the same county, both of the Presbyterian Church. His father removed from Cumberland to Lycoming County, in the same State, in the autumn of 1794, where he bought a farm, and built a house on it, a little below the mouth of Pine Creek, on the west bank of the Susquehanna River. While resident there, he preached to three congregations, for a very small compensation, deriving the means of his support mainly from a grammar-school which he taught, and the proceeds of his farm. He was a superior Greek and Latin scholar, and every way competent as an instructor in those languages. And his amiable and excellent character, his benevolence and faithfulness as a pastor, gained for him the affections of all who knew him. Few men in a like sphere have been more beloved; and the many excellencies of the father's character were not lost upon the son. The latter, at the age of six years, began to learn Latin under the instructions of his father, and, by the time he had reached his twelfth year, had mastered the usual course of Latin and Greek as they were then taught in ordinary schools. He continued his studies, under his father's direction, till 1811, when he went to Dickinson College, at Carlisle, and entered the junior class half advanced. In the meantime, in 1806, his father had removed to Northumberland, Pennsylvania, having been invited to take charge of the academy at that place; and there also he served three congregations in his capacity of clergyman, but supporting his family mainly, as formerly, by the revenue derived from his labors as a teacher. His method

of conducting the academy did honor to his talents. It grew under his care into a highly respectable establishment, and obtained a high character in that district of country. This reputation, and the thoroughness of the course of instruction pursued, was the means of elevating the academy into a college, under an ample charter, with power to confer degrees in the usual form in like institutions. This enlargement called for more of the *machinery* of education than the institution had before possessed; and the library of the well-known Rev. Dr. Joseph Priestley, originally of England, who had passed the latter part of his life in Northumberland, and not long before had died there, together with his philosophical apparatus, were procured for the college.

In the meantime, the subject of this notice continued at Dickinson College. His aptitude for the languages and early instruction had placed him far ahead of all competitors in that branch. He was so thoroughly master of the Latin that he could write it with facility. Nor was he much less well acquainted with Greek. And, though indifferent to, and never troubling himself about college honors, his superior ability and acquirements were not questioned. His instructor in chemistry was Doctor Cooper, formerly a judge in the interior of Pennsylvania, then Professor of Chemistry in Dickinson College, and afterwards President of Columbia College, South Carolina, whither he had been invited by the State, and known throughout the country for his extensive literary and scientific attainments, and with whom our student was always a favorite. He graduated at Dickinson in 1812, but taught grammar-school in the college till 1813, when he returned to Northumberland to aid his father in his college duties, now become onerous by the addition of numerous students, and the increasing offices of the enlarged institution.

It is not perhaps surprising that with this early and thorough training in the languages, he should have never intermitted the study of them; and that at the present day he should continue to be, as for nearly fifty years he has been, a daily reader and very critical student of the New Testament in its original Greek.

Shortly, after our young friend's return to Northumberland, his father's health began to fail. Disease continued to enfeeble and distress him up to the date of his death, which occurred in 1815. And few men have lived more beloved, or died more lamented.

His virtues and many excellencies of character did not perish; they left their impress long on the community in which he had lived, and descended upon his son—a goodly inheritance, and one that passeth not away.

The well-known acquirements of the son pointed to him, young as he then was (not twenty years of age), as the successor of the father, and he was accordingly, soon after the death of the former, appointed principal of the college; and in this new situation the extent and variety of his duties go to show how much may be accomplished where resolution and will are combined with ability. He graduated the classes, delivered lectures on chemistry, taught astronomy and mathematics, Greek and Latin, and studied law, all at the same time.

His instructor in the law was Charles Hall, Esq., late of Sunbury, Northumberland County, a gentleman eminent in the profession, under whom he was admitted to the bar in 1817, and began practice in the same year.

His professional career, which proved very successful, began in Bloomsburg, Columbia County, Pennsylvania. There he continued, however, but a short time, for we find him settled in Danville, in the same county, in 1818. Here his practice rapidly increased, and was soon extended to four or five of the surrounding counties, and there he continued till 1833, when he was appointed by the governor of Pennsylvania, then Mr. Wolf, President Judge of the District Court of Alleghany County.

And here it may not be improper to state certain events, very well known and justly appreciated in the place and neighborhood where they took place, and which evince the excellent qualities of heart of the subject of our note. At his father's death, he found himself the oldest of many brothers and sisters, including himself eleven in number, most of them young and helpless; and they, together with his widowed mother, were entirely dependent upon him for their support. Well and faithfully did he perform the duties that this condition of things called for. He possessed but little of this world's goods, but he had health, energy, talent, and a profession. He bent himself to the task, and with these materials, fairly brought into requisition under the guidance of a sound and affectionate heart and a willing mind, he overcame all difficulty. His brothers were well and liberally educated, and settled in business or professions. His sisters lived with him till they were married; and his mother, till she died. As a son and brother, as well as in

all subsequently formed domestic relations, he has been distinguished by the kindest and tenderest affections; and no man is more beloved by his family and friends. If it be true that the recollection of kind and benevolent actions warms the heart into peace with itself, then may our friend well rejoice in the past, and look to the future in the thankfulness of hope.

Returning to our narrative. His brothers and sisters being all settled in life, he married, in the year 1829, Miss Isabella Rose, the daughter of John Rose, Esq., a native of Scotland, who emigrated to this country in 1798. Mr. Rose had been admitted to the bar in Europe, but never practised, or sought practice here. He was a gentleman of education and accomplishments, and possessed of considerable estate. He bought a beautifully situated farm on the banks of the Lycoming Creek, then about two miles above Williamsport, in Lycoming County, upon which he resided till his death, and which, now on the very edges of that populous and increasing place, at present belongs to Judge Grier. This stream is celebrated for the fine trout with which it abounds, some distance from its mouth. And this we mention more particularly, as the Judge made for many years, and indeed until the infirmity which compelled his resignation obliged him to relinquish this gratification, an annual excursion to his farm and fishing-ground, to enjoy the pleasures of trout-fishing. He early became a disciple of Isaac Walton, and was faithful to his preceptor to the last hour of his ability to wade through the clear waters of a fishing-brook. Nothing was suffered to interfere with this excursion; and when the month of June arrived, he was sure to find his way to the creek, with a few select companions, and all the necessary apparatus for catching and cooking his favorite fish, together with all manner of generous accompaniments to give zest to the luxury. This fishing-ground is in the midst of the eastern ridges of the Alleghany Mountains, into which the stream penetrates, and until lately was surrounded with dense forests in their primitive state. The invigorating air of the woods, the beauty and wildness of the scenery, contrasted with that to which he was accustomed in the labors of the Bench and the Circuit, the continued exercise and pleasure of the sport, sometimes not without adventure, all had their charm. And the Judge used to return to his professional duties somewhat sunburned and weatherbeaten, but with recovered powers, and renovated frame, ready for another year of labor.

His appointment to the District Court of Alleghany County was made May 4th, 1833. He removed to Pittsburg in October of the same year, residing in Alleghany City.

On the 4th of August, 1846, he was nominated one of the Justices of the Supreme Court of the United States, in the place of the Honorable Henry Baldwin, deceased, and was unanimously confirmed by the Senate the next day. In 1848 he removed to Philadelphia, in which city he continues to reside.

The professional career of Judge Grier, while at the bar, was marked by high integrity of purpose and fidelity to his client, qualities not unusual in the profession; but with him there was a benevolence not so universal, and generosity towards those who sought his services with but limited means of remuneration, that procured him many clients of this description; and for many he went through with repeated and arduous conflicts, without money.

In the conducting of his case, he was not apt to trouble himself much about its mere technicalities; he regarded mainly the principles involved in it, and arguing it upon this basis, his views were clear and logical, and always delivered with great distinctness and force.

While presiding in the District Court at Pittsburg, he had the confidence of all the bar, which was one of the ablest in the State. There was a deference paid to his decisions highly honorable, and an attachment to himself personally, not often found to exist in the same degree between the bar and the bench. If the cause before him had merits, its advocate had nothing to fear; if doubtful, he was sure of a fair and candid bearing; but if without merits, or if tinctured with fraud, it behooved him to take care of it, for he was sure to receive neither aid nor quarter from the court.

With the jury, his charge was everything; they had entire confidence in his integrity and learning, and knew that he only aimed to arrive at justice. Their verdict was responsive to his instructions. And when exception was taken to his charge or opinion, nothing was withheld by selfish regard to pride of opinion, or petty doubt as to the unnecessary action of a higher tribunal. His view of the law was fairly stated, and sent up as delivered, without addition or diminution, upon its own merits to stand or fall. Feeling the consciousness of power within himself, and loving justice above all things, he feared not, but rather desired the examination of his opinions by those who had

the power, together with the responsibility, of sustaining or reversing them. Every judicial opinion affects the property, the reputation, or the person of some one, to a greater or less extent; and as a faithful judge, he rather rejoiced in the detection of his error, if there was one, than that it should be suffered to exist to the injury of another.

After the elevation of Judge Grier to the Supreme Court, his judicial reputation soon became established throughout the country. His opinions bear testimony to the correctness of the professional estimate of their value. With very little quotation, they show, not the less, extensive learning and research. A persevering seeking of the principle lies at the basis of the particular point under discussion—and this discovered, it is never lost sight of. They are confined, invariably, to the issues of the case. They contain no dicta. They form no essays. The conclusion arrived at is pronounced with the boldness of a fearless spirit, regardless of all consequences, save the one aim of bringing the truth to light, and giving effect to the law. His arguments will stand the test of strict scrutiny. They are always clear in their statements and course; marked, perhaps, more by the quality of strength, than by any effort after ornament, though by no means deficient in illustration; which was readily supplied by his well-stored mind. They are not much encumbered by exhibition of the details of mental process, and their freedom from citations, except of cases in courts of *authority*—chiefly the Supreme Court—has been remarked on by those acquainted with his habits, and who know that his reading was unintermitting, as it was also nearly universal. The observations made by a venerable and very eminent living lawyer of another great judge of Pennsylvania, long since departed, are entirely applicable to the subject of our sketch. “Those who study his opinions, while they may remark that he was unusually sparing of references to authority, will find that it was the result of selection and not of penury. With the leading cases under every head—those which may be called ‘the light-houses of the law,’ he was familiar, and knew their bearings upon every passage into this deeply indented territory; but for the minor points, the soundings that are marked so profusely upon modern charts of law, he trusted too much to the length and employment of his own line to oppress his memory with them.”

A reporter may be permitted to add that his opinions were

singularly capable, from their *form*, of being easily and effectively reported. By this is meant, that instead of setting out with the assumption or statement of principles of law, and then "working up" to them through the course of the opinion by the invocation or interpellation of the facts—thus presenting principles of law intertissued with details of fact through the whole texture of the opinion, and so—if the case has been already stated by the reporter, as it ought to be, in the opening of the report—making the opinion seem in a great degree a repetition of what the reader has just read, and if the case have not been so stated by the reporter, leaving the reader without any conception of the facts except one argumentative in form, and neither consecutive, complete, nor clear—the opinions of the learned Judge we speak of cast themselves always in another mould. They proceed upon a case already completely conceived and arranged—a case which is sometimes written out by the Judge himself in the opening of the opinion for adoption by the reporter, and sometimes only mentally had by him, and left to the reporter to be gathered up and written out—and *on* that case, as presupposed and known, they enunciate in a form more or less apothegmatic and abstract, the principles of law which apply to the controversy.

The form has nothing to do with the ability or merits of the opinion, for in both forms opinions of great ability and merit may be found. And in putting a case to a jury, or when writing on the circuit for a court below and for the parties only—where court and parties were *already* possessed of the case—the subject of our notice usually adopted the first as the proper one. But in writing for a court of last resort, where he was to be reported, and where he wrote for the law and for science as much as for a court below and for the parties to the controversy, he invariably used the last. And reporters know that it is the only form which they can handle so as to do credit either to themselves or the Bench.

In the case of such a person as we have attempted to describe, it will be readily believed that neither elevation to place nor retirement from it could work alteration in the MAN. The same modest worth that graced him in youth and early manhood, while he was yet unknown, continued to adorn him in riper years, distinguished by conspicuous positions. The same essential dignity which marked him in office, belongs to him in retire-

ment from it. In all situations, the same kindness of disposition to all, the same attachment to friends, and affection for those dependent upon him; a lover of his country, and, by the very necessity of his nature, a religious man—long a member of the church in the principles of which he was educated, and some time participating in its government—but liberal in his views, regarding the spirit rather than the letter of his creed; happy in his domestic relations, in the attachment of many friends, and highly honored, as he is, by his country—his life affords an example of the triumph of right principles, unshrinking integrity, persevering industry, and fidelity to truth and to himself.

DEATH OF THE HON. E. M. STANTON.

THE resignation of Mr. Justice GRIER, already mentioned, having been accepted by the President, the Honorable EDWIN MACY STANTON was nominated by him to the Senate on the 20th of December, 1869, and immediately confirmed to fill the prospective vacancy. Four days after this appointment Mr. Stanton departed this life, never having taken his seat upon the bench.

Mr. Stanton was born in Steubenville, Ohio, on December 19th, 1814. After graduating at Kenyon College, Gambier, Ohio, in 1834, he studied law, and began the practice of it at Cadiz, Ohio, where he soon acquired reputation for ability in the argument of questions of law before courts, as well as for his force, skill, and judgment in the trial of cases by jury. He next removed to Steubenville, and in 1848, established himself at Pittsburg, Pennsylvania, practising in the courts of Pennsylvania and Ohio, and in the Supreme Court at Washington. At this time he came prominently before the public as counsel in the Wheeling Bridge case. In 1857, he removed to Washington, D. C., where his ability in the management of cases arising under the patent laws, brought to him constant and profitable practice. In the next year, he was sent by the Government of the United States to California, as special counsel to argue land cases involving the validity of grants from Mexico, and to look generally after the immense interests of the United States in lands acquired by the conquest and cession. Returning to Washington, he was appointed, in December, 1860, Attorney-General, by Mr. Buchanan; insurrection throughout the South now being imminent. In this new position, he was associated with the Honorable Joseph Holt, Secretary of War, and with General Dix, Secretary of the Treasury, and his sagacity and vigor, with that of the two eminent persons just named, largely contributed to save the Government from the total ruin with which it was then menaced. He remained in the office of Attorney-General till March 4th, 1861, when, upon the accession of President Lincoln, he resumed the practice of the law. But Mr. Stanton's great services in the critical times which immediately preceded that 4th of March, had already attracted the attention, and won the admiration of the new President,

and, upon Mr. Cameron's retirement from the post of Secretary of War in President Lincoln's Cabinet, in January, 1862, about a month before the capture of Fort Donelson revived the drooping spirit of the North, Mr. Stanton was chosen to succeed him. He remained in this position until May, 1868, when he resigned. By his incessant and arduous mental and physical labors during the rebellion, Mr. Stanton seriously impaired his health, and retired, temporarily, from active life in order to recruit his shattered constitution. Recently, however, he had resumed the practice of law, and on December 20th, 1869, he was, as has been already stated, nominated by the President, and confirmed by the Senate, as Associate Justice of the Supreme Court of the United States, to fill the vacancy caused by the resignation of Mr. Justice Grier, to take effect on February 1st, 1870.

He died December 24th, 1869, during a recess of the court.

An official announcement of Mr. Stanton's decease was thus made by President Grant:

"The painful duty devolves upon the President of announcing to the people of the United States the death of one of its most distinguished citizens and faithful servants, the Hon. EDWIN M. STANTON, which occurred in this city at an early hour this morning. He was distinguished in the councils of the nation during the entire period of its recent struggle for national existence, first as Attorney-General, then as Secretary of War. He was unceasing in his labors, earnest and fearless in the assumption of the responsibilities necessary to his country's success, respected by all good men, and feared by wrong-doers. In his death the bar, the bench, and the nation sustain a great loss, which will be mourned by all."

A meeting of the members of the bar of the Supreme Court of the United States was held in the room of the court, in the Capitol, on the 13th day of January, 1870, when the Hon. George F. Edmunds, of Vermont, was appointed chairman, and R. M. Corwine, of Ohio, secretary.

The Attorney-General, J. M. Carlisle, Esq., and the Hon. Robert S. Hale having been appointed a committee to draft and report resolutions, reported, at an adjourned meeting, on the 17th of January, these following, which were unanimously adopted:

"EDWIN M. STANTON, for many years a leading and honored member of this bar, formerly Attorney-General of the United States, and Secretary of War during the war for the preservation of the Republic, recently nominated and confirmed to fill a prospective vacancy on the bench of the Su-

preme Court of the United States, distinguished by his professional abilities and attainments, and still more distinguished and endeared to the country he contributed so greatly to save, by his energy, patriotism, and integrity, having, on the 24th day of December, 1869, laid down a life devoted to the cause of his country and worn out in her service, the members of the bar of the Supreme Court of the United States, assembled to render honor to his memory, as an expression of their regard and reverence for his public and private virtues, and of his most useful and patriotic career, have

"*Resolved*, That we desire to express our profound and thorough appreciation of the private worth and public merits of Mr. STANTON; of the loss sustained by the National Judiciary in his death, and of the measureless debt of gratitude due to him from the citizens of a country saved from destruction in great degree by his untiring labors, large comprehension, and unswerving integrity.

"*Resolved*, That the Attorney-General be requested to lay this expression of our feeling before the court, and to move that the same be entered upon the minutes of the term.

"*Resolved*, That our chairman communicate a copy of these proceedings, and of such action as the court may take thereon, to the widow and children of our deceased brother, with the assurance of our sympathy and respect."

Upon the coming in of the court, on the morning of January 17th, 1870, to which day it had, previously to Mr. Stanton's death, adjourned, the Attorney-General addressed it as follows:

May it please your Honors:

Since your last adjournment, the emblems of public mourning have been again displayed in the Capitol of the nation, under circumstances which press upon the attention of this court with a peculiar and touching solemnity. A great man—great by the acknowledgment alike of those who feared or hated him, and of those by whom he was trusted and honored; a lawyer, a statesman, selected and confirmed, though not commissioned, as an Associate Justice of the Supreme Court of the United States—has passed away from among us. EDWIN M. STANTON, in the maturity of life, with a capacity for public service already demonstrated, in the security of established fame, seemed to our mortal vision about to enter upon a new and long career of honor and usefulness. But such was not the will of heaven: "*Dis aliter visum.*"

It has seemed to his brethren of the bar a fit occasion to express their regard for his memory, and they have charged me with the official and grateful duty of presenting to your honors the resolutions which have been adopted at their meeting this morning.

Of Mr. STANTON as a lawyer, it is enough to say that he had risen to the foremost rank in his profession. He had adequate learning, untiring industry, a ready and retentive memory, clear comprehension of principles, the power of profound and cogent reasoning, and unquestionable integrity; and he gave to the cause of his clients a vigor, energy, and zeal which deserved and commanded success.

But it is not of the lawyer, eminent as he was in the science and practice of the law, that men chiefly think as they remember him. His service to mankind was on a higher and wider field. He was appointed Attorney-General by Mr. Buchanan, on the 20th of December, 1860, in one of the darkest hours of the country's history, when the Union seemed crumbling to pieces without an arm raised for its support; when "without" the public counsels "was doubting, and within were fears;" when feebleness and treachery were uniting to yield whatever defiant rebellion might demand; and good men everywhere were ready to despair of the Republic. For ten weeks of that winter of national agony and shame, with patriotism that never wavered, and courage that never quailed, this true American, happily not wholly alone, stood manfully at his post, "between the living and the dead," gave what nerve he could to timid and trembling imbecility, and met the secret plotters of their country's ruin with an undaunted front, until before that resolute presence, the demons of treason and civil discord appeared in their own shape, as at the touch of Ithuriel's spear, and fled baffled and howling away.

His published opinions as Attorney-General fill but nine pages, but the name that was signed to them had, in that brief time, become known throughout the land as the synonyme of truth, honor, and fidelity.

Although of a different political party, he was called by Mr. Lincoln into his Cabinet, in 1862, as the Secretary of War. But it was at a time when all party divisions had become insignificant, and all party ties trivial, compared with those great duties which engrossed the thoughts and demanded the care of every patriot. He brought to his great trust a capacity for labor that seemed inexhaustible; unflinching courage, indomitable will, patience, and steady persistence which no fatigue could weary, and no mistakes or misfortunes divert; a trust in the people that never faltered, an integrity which corruption never dared to approach, and a singleness of purpose which nothing could withstand. That purpose was to crush the rebellion—and woe to that man who came, or seemed to come, between that purpose and its execution! Coming from civil life, I suppose there is no sufficient evidence that he was, or ever became, a master of the art of war; but the problem before him was to find those who were, and to bring all the resources of the country with unstinted measure to their support.

We might address him as one of those

"Chief of men, who, through a cloud,
Not of war only, but detractions rude,
Guided by faith and matchless fortitude,
To peace and truth thy glorious way has plowed."

Undoubtedly he had faults and failings. He was said to be despotic and overbearing, and he may have been sometimes unjust; but his work was done in a time when there was little chance for deliberation, and when "the weightier matters of the law" left no time for "tithing mint and anise and cummin." He felt that the life of the nation was in his hands, and, under that fearful responsibility, he could not always adjust with delicate hand, the balance of private rights and wrongs. It is said that his manners were sometimes discourteous and offensive. Who can wonder that that wea-

ried and overburdened man, with such pressure on brain and nerve, was sometimes irritable and unceremonious in his intercourse with shirking officers and peculating contractors, and the crowd of hungry cormorants and interminable bores who perpetually sought access to him; and sometimes confounded with such, those who deserved better treatment? But the American people knew that he was honest, able, and faithful. He never stopped for explanation, or condescended to exculpate himself.

I have thought it one of the highest and finest traits of his character, that he bore in grim silence all accusations, and stood manfully between his chief and popular censure for acts which he had neither originated nor approved. It was perhaps the highest triumph of his official career, and the final proof of how justly his confidence in his countrymen was bestowed, that he conducted and carried through the military draft—that severest trial to a free people—when the country, in the time of her direst need, ceasing to entreat, commands the services of her sons. He had his reward; and, like the President whom he served—

“Ill thought, ill feeling, ill report lived through,
Until he heard the hisses changed to cheers,
The taunts to tribute, the abuse to praise,
And heard them with the same unwavering mind.”

He saw the rebellion crushed and the integrity of the nation vindicated. The people, who had learned to know that he was a tower of strength in the time of civil war, who had felt that their cause would never be abandoned or betrayed by him, and to whom his presence in office gave a sense of protection and security, have hailed with joy the prospect which so lately opened of transferring him to a new post of duty in this high tribunal. They knew that the statesman who had found in the Constitution all the powers necessary for its own maintenance, would, as a jurist, not fail to find there all the powers needful for the protection, throughout the entire country, of that civil liberty which it was ordained to secure. But he was already worn out in their service, and gave his life for them as truly as any one who ever perilled it on the field of battle.

Mr. Chief Justice, the lesson of this life is a lofty one. The time is soon coming when men will recognize the high natures who, in this period of civil strife, have arisen above the ordinary level of mankind, and are entitled to their gratitude and honor. Upon those towering peaks in the landscape, the eye will no longer discern the little inequalities and roughnesses of surface. Already upon the canvas of history some figures are beginning to emerge. They are not those of self-seekers, or of those who were greedy of power or place, but of the men who, in the time of public trial and public danger, with none but public objects, have done much for their country and mankind. Among these can his contemporaries fail to discern—will not posterity surely recognize—the lineaments of EDWIN M. STANTON? A restored country is his monument.

“Nothing can cover his high fame but Heaven!
No pyramids set off his memories
But the eternal substance of his greatness,
To which I leave him.”

Mr. Attorney-General then submitted the proceedings of the meeting of the bar, as already given, and moved, in accordance with one of their resolutions, that they should be entered upon the minutes of the term.

The Chief Justice said in reply:

The court unites with the bar in acknowledging the private worth, the professional eminence, and the illustrious public services of Mr. STANTON, and in the sorrow that the country has been deprived, by his premature decease, of the great benefits justly expected from his remarkable attainments and abilities in the new sphere of duty to which he had been called.

We all anticipated, from his accession to the bench, increased strength for the court and most efficient aid in its deliberations and decision. We indulged the hope that his health, impaired by oppressive anxieties and arduous labors as the head of the Department of War, would be fully restored under the influence of the calmer and more regular course of this tribunal, and that prolonged life would afford him many opportunities of establishing additional claims upon the gratitude and honor of his country in the upright performance of judicial duty.

But Providence has ordered otherwise. He was not even permitted to become in fact a member of this court. He had hardly been nominated and confirmed to fill the vacancy which will occur a few days hence, through the prospective resignation of our honored brother Mr. Justice GRIER, when death entered upon the scene and closed his earthly career.

Our deepest sympathies are with his family and friends in their bereavement. We mourn their loss as our own loss, as the loss of the profession which he adorned, and of the country which he served.

The proceedings of the bar, the address of the Attorney-General, and this response, will be entered upon the minutes, and, as a further mark of respect, the court will now adjourn without transacting any business.

The court thereupon adjourned.