

## ACT OF CONGRESS.

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### AN ACT

TO FIX THE TIME FOR HOLDING THE ANNUAL SESSION OF THE SUPREME COURT OF THE UNITED STATES, AND FOR OTHER PURPOSES.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act the annual session of the Supreme Court of the United States shall commence on the second Monday of October in each year, and all actions, suits, appeals, recognizances, processes, writs, and proceedings whatever, pending or which may be pending in said court, or returnable thereto, shall have day therein, and be heard, tried, proceeded with, and decided, in like manner as if the time of holding said sessions had not been hereby altered.*

APPROVED, January 24th, 1873.

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## MEMORANDA.

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### RESIGNATION OF MR. JUSTICE NELSON.

At the close of December Term, 1872, Mr. Justice NELSON, who during the whole term had been prevented, by indisposition, from attending court, resigned his commission. The following interesting correspondence, between himself and his brethren, took place, and was entered on the minutes of the court by its order :

COOPERSTOWN, November 28th, 1872.

MY DEAR CHIEF JUSTICE:

The mail that carries these lines to you carries my resignation of the office of Associate Justice of the Supreme Court.

I part from my brethren with regret, and retire from an occupation which has been the height of my ambition for much the largest portion of my life, not from choice, but for the reason that age and infirmities have disabled me from the performance of a full share of its duties.

Please to communicate this to our associates, and believe me

Sincerely your friend,

S. NELSON.

CHIEF JUSTICE CHASE.

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SUPREME COURT OF THE UNITED STATES.  
WASHINGTON, December 7th, 1872.

DEAR BROTHER NELSON:

We have received with deep sensibility your letter announcing your resignation of the post you have so long and so worthily filled. We greatly regret that we are no more to have the benefit of your long experience, mature wisdom, and large learning in conference, and that the profession and the country will lose the fruits of them in the decisions of the court.

You carry with you in your retirement a reverent and universal affection given to few men. The bar are unanimous in their eulogies, and we, your brethren of the bench, are not behind the bar in our sense of your great services, your sterling integrity, and your constant benevolence.

May our Father in heaven give you yet many days in which to enjoy the affections of family, friends, and countrymen which cluster around you.

Yours faithfully,

S. P. CHASE, Chief Justice.

NATHAN CLIFFORD, Associate Justice.

N. H. SWAYNE " "

SAMUEL F. MILLER, " "

DAVID DAVIS, " "

STEPHEN J. FIELD, " "

W. STRONG, " "

JOSEPH P. BRADLEY, " "

A few days after the resignation of the venerable Justice had become publicly known a meeting of the bar was held, at which, on motion of the Honorable REVERDY JOHNSON, the Honorable CALEB CUSHING was called to the chair, and DANIEL WESLEY MIDDLETON, Esq., appointed secretary.

After expressions from several of the speakers, indicative of the deep regrets of the profession at the event by which the meeting had been caused, and of affectionate respect for the retiring Justice, with every good wish for his happiness, it was ordered that a letter should be prepared, suitable to the occasion, and be left in the office of the Clerk of the Court for the signatures of such members of the bar as should desire to sign it, and be afterwards sent to Mr. Justice NELSON, at his residence at Cooperstown, N. Y. All this was accordingly done. The letter, which was transmitted by Mr. CUSHING and Mr. MIDDLETON, was as follows:

WASHINGTON, 13th December, 1872.

TO THE HON SAMUEL NELSON.

SIR: We desire to express to you the sincere and deep regret with which by reason of your retirement we are compelled to part with you as a Justice of the Supreme Court.

During many years of practice before you, we have had ample opportunity to appreciate and to admire your learning, sagacity, impartiality, and

integrity; your kindly deportment towards the members of the bar, your elevated conception of justice and of right; in a word, those pre-eminent judicial qualities which have distinguished your career on the bench.

Though no longer present in the court, the remembrance of you will remain fresh in our minds. Your opinions, as published in the reports, constitute an imperishable monument of fame. And you carry with you into private life the universal respect of the people of the United States, including the personal respect and admiration of

Your affectionate friends,

GEORGE H. WILLIAMS,	W. M. EVARTS (N. Y.),	E. W. STOUGHTON (N. Y.),
Attorney-General,	C. CUSHING (Mass.),	D. D. FIELD (N. Y.),
REVERDY JOHNSON (Md.),	C. H. HILL (Mass.),	MONTGOMERY BLAIR (D. C.),
J. S. BLACK (Pa.),	HENRY SHERMAN,	TRUMAN SMITH (Conn.),
P. PHILLIPS (D. C.),	WM. T. DITTOE (Iowa),	CHAS. M. KELLER (N. Y.),
C. N. POTTER (N. Y.),	HENRY COOPER (Tenn.),	CHAS. F. BLAKE (N. Y.),
SAMUEL F. PHILLIPS,	JAS. K. KELLY (Oregon),	JAS. H. PARSONS (R. I.),
Solicitor-General,	THOS. M. NORTH (N. Y.),	CHAS. R. TRAIN (Mass.),
BENJ. R. CURTIS (Mass.),	EUGENE CASSERLY (Cal.),	F. CHAMBERLAIN (Conn.),
GEO. F. MOORE (Texas),	CHAS. O'CONOR (N. Y.),	THEODORE G. BARKER,
J. M. CARLISLE (D. C.),	A. G. RIDDLE (D. C.),	JOHN A. CAMPBELL (La.),
GEO. F. EDMUNDS (Vt.),	M. H. CARPENTER (Wis.),	J. Q. A. FELLOWES (La.),
A. J. PARKER (N. Y.),	J. D. MCPHERSON (D. C.),	GEORGE HARDING (Pa.),
JOEL GILES,	W. W. NEVISON,	WAYNE McVEIGH (Pa.),
J. HUBLEY ASHTON (Pa.),	JOHN W. STEVENSON (Ky.)	JAMES E. GOWEN (Pa.),
N. P. CHIPMAN (D. C.),	S. S. COX (N. Y.),	F. C. BREWSTER (Pa.),
JOHN V. L. PRUYN (N. Y.),	BENJ. F. BUTLER (Mass.),	CHARLES HITCHCOCK (Ill.),
LOUIS JANIN (La.),	ROSCOE CONKLING (N. Y.),	C. BECKWITH (Ill.),
L. P. POLAND (Vt.),	T. O. HOWE (Wis.),	SAM'L W. FULLER (Ill.),
JAMES H. EMBRY (Ky.),	SAMUEL TYLER (D. C.),	T. LYLE DICKEY (Ill.),
F. FRELINGHUYSEN (N. J.),	JOHN M. HARLAN (Ky.),	WIRT DEXTER (Ill.),
CHARLES SUMNER (Mass.),	B. H. BRISTOW (Ky.),	J. R. DOOLITTLE (Wis.),
CAUSTEN BROWNE (Mass.),	R. H. DANA, JR. (Mass.),	CHAS. TRACY (N. Y.),
J. H. B. LATROBE (Md.),	DWIGHT FOSTER (Mass.),	JNO. E. BURRILL (N. Y.),
C. COLE (California),	WM. McMICHAEL (Pa.),	B. D. SILLIMAN (N. Y.),
H. L. DAWES (Mass.),	SAM'L G. THOMPSON (Pa.),	JOSHUA M. VAN COTT (N. Y.),
JAMES B. BECK (Ky.),	R. C. McMURTRIE (Pa.),	JOHN E. PARSONS (N. Y.),
GEORGE F. HOAR (Mass.),	T. D. LINCOLN (Ohio),	W. H. PECKHAM (N. Y.),
WM. M. MERRICK (Md.),	CHAS. DONOHUE (N. Y.),	JAMES C. CARTER (N. Y.),
M. C. KERR (Ind.),	E. C. BENEDICT (N. Y.),	GILBERT M. SPIER (N. Y.),
STEVENSON ARCHER (Md.),	W. T. OTTO (Ind.),	CHARLES P. CROSBY (N. Y.),
JOHN B. HAWLEY (Ill.),	GEO. B. HIBBARD (N. Y.),	C. VAN SANTVOORD (N. Y.),
H. C. BURCHARD (Ill.),	IRA HARRIS (N. Y.),	HENRY NICOLL (N. Y.),
S. W. KELLOGG (Conn.),	WM. A. SACKETT (N. Y.),	E. S. VAN WINKLE (N. Y.)
HORACE MAYNARD (Tenn.),	JNO. H. REYNOLDS (N. Y.),	W. M. MACFARLAND (N. Y.),
WM. S. HOLMAN (Ind.),	TH. DONALDSON (Md.),	EDMUND H. OWEN (N. Y.),
R. T. W. DUKE (Va.),	GEO. W. BROWN (Md.),	STEPHEN P. NASH (N. Y.),
R. C. PARSONS (Ohio),	F. W. BRUNE (Md.),	WM. ALLEN BUTLER (N. Y.),
R. T. MERRICK (D. C.),	S. T. WALLIS (Md.),	WM. M. PRITCHARD (N. Y.),
JAMES GRANT (Iowa),	S. S. FISHER (O.),	T. C. T. BUCKLEY (N. Y.),
T. J. D. FULLER (D. C.),	WM. B. LAWRENCE (R. I.),	J. W. WALLACE.

Of this letter the venerable Justice was pleased to express his

appreciation in the following reply, addressed to Mr. CUSHING and Mr. MIDDLETON, by whom, as already said, the letter of the bar had been sent to him :

COOPERSTOWN, January 20th, 1873.

GENTLEMEN :

Your favor of the 14th ult., inclosing a letter of one hundred and twenty-one distinguished members of the bar of the Supreme Court of the United States relating to my resignation of the office of Associate Justice of that court, has been received.

I am deeply grateful for the too favorable opinion expressed of my judicial services, and of personal regard and friendship. So general a concurrence of eminent members of the bar, who have personally witnessed the administration of justice in the court, and who, themselves, largely participated in it, in the expression of a favorable opinion of myself, as a humble member of it, cannot but affect me most sensibly and gratefully. Most of the names are familiar to me, and many of them I recognize as intimate associates and friends; and each and all of them have my earnest prayer that their useful lives may be long and happy.

You, gentlemen, have my hearty thanks for the kind and friendly manner in which you have communicated this ever to be remembered tribute of my professional brethren.

I am, with great respect and regard, your friend,

S. NELSON

THE HONORABLE C. CUSHING, Chairman,  
D. W. MIDDLETON, Esquire, Secretary.