

MEMORANDA.

Mr. JUSTICE DAVIS resigned his seat on the Bench, to take effect March 4, 1877. He took no part in the decision of the cases reported in this volume after that of *Muller v. Dows*, p. 277.

The following correspondence took place between him and his associates : —

WASHINGTON, D. C., March 5, 1877.

MY DEAR BRETHREN, — My official connection with the Supreme Court of the United States closes to-day.

Having passed all the years of my active life at the Bar or on the Bench, it is not without serious misgivings that I enter upon a new sphere of public service; but I have not felt at liberty to decline a seat in the Senate, with which I have been honored by the General Assembly of the State of Illinois.

In severing the relations which have existed between us for so many years, I beg leave to bear my testimony to the eminent learning, ability, and integrity which have characterized your judicial labors. From the organization of the Government, the Supreme Court has been composed of able and upright judges. In my judgment, it is now as worthy of the confidence of the American people as it ever has been at any period of its history. Since I was invited to its councils by President Lincoln, six of its members have been numbered with the dead. I take great satisfaction in the reflection that my relations with them, and all my associates, have been uniformly kind and cordial.

In offering you my parting salutations, I beg you to be assured of the respect and sincere good wishes with which I remain your friend and servant,

DAVID DAVIS.

To the Chief Justice and Associate Justices of the Supreme Court of the United States.

SUPREME COURT OF THE UNITED STATES,
March 10, 1877.

DEAR BROTHER DAVIS, — We have received with sincere regret your letter announcing that your official connection with us is closed. During

the fifteen years in which you have been a member of this court, questions of the gravest character have come before it for adjudication, and you have borne your full share of the labor and responsibility which their decision involved. We shall miss in the conference-room your wise judgment and your just appreciation of facts; and in the reception-room, your kind and courteous greetings.

With the hope that your life in the future may be as useful as it has been in the past, and that the ties of personal friendship which now bind us so closely to you may never be broken, we subscribe ourselves, very sincerely, your friends,

M. R. WAITE,	STEPHEN J. FIELD,
NATHAN CLIFFORD,	W. STRONG,
N. H. SWAYNE,	JOSEPH P. BRADLEY,
SAMUEL F. MILLER,	WARD HUNT.

The Hon. DAVID DAVIS.

Pursuant to notice, a meeting of the members of the Bar of the Supreme Court of the United States, with reference to the resignation of Mr. JUSTICE DAVIS, was held in the court-room, March 17, 1877.

The meeting was called to order by Hon. MATTHEW H. CARPENTER, and on his motion Hon. WILLIAM M. EVARTS was appointed Chairman, and DANIEL W. MIDDLETON, Esq., Secretary.

On motion of Mr. CARPENTER, the Chairman appointed the following gentlemen: Mr. MATTHEW H. CARPENTER, Mr. GEORGE H. WILLIAMS, Mr. SAMUEL F. PHILLIPS, Mr. RICHARD T. MERRICK, Mr. J. HUBLEY ASHTON, Mr. JOSEPH CASEY, and Mr. WALTER Q. GRESHAM, a committee to draft resolutions appropriate to the occasion.

The committee reported the following resolutions:—

Resolved, That the members of the Bar of the Supreme Court of the United States have received with deep regret the intelligence of the resignation of Mr. JUSTICE DAVIS.

Resolved, That they desire to record their high sense of the learning, the ability, the love of justice, and the fearless independence which that eminent magistrate brought to the discharge of his judicial duties, and their grateful appreciation of the courtesy which he habitually extended to them.

Resolved, That the chairman of the meeting be requested to communicate these resolutions to JUDGE DAVIS, and that the Attorney-General be requested to present them to the Court, and ask that they may be entered upon its minutes.

The resolutions were thereupon unanimously adopted, and the meeting adjourned.

On the 19th of that month, Mr. ATTORNEY-GENERAL DEVENS addressed the Court as follows:—

May it please the Court:—

I ask but a single moment's delay in the business of the Court, that I may, on behalf of the Bar, present certain resolutions, expressive of their respect for the Hon. DAVID DAVIS, late an associate justice, and of their regret at his retirement from the duties of the high office which he has so long and so ably filled.

If these resolutions shall in any way be found obnoxious to just criticism, it will be because they err on the side of too much repression. The Bar have preferred this, rather than it should be said that there has been any exaggeration in their expressions of respect for him, or of regret for his departure to other fields of labor and duty. They are quite well aware that the time for the full consideration of his many claims upon their respect and gratitude, and for his just eulogy, has not arrived; and they fervently hope that the hour for this may be long postponed. But they are unwilling to part from him in the chamber where he has so long listened with patience and decided with justice, without an assurance on their part that they appreciate his industry, fidelity, and ability in the many harassing, grave, and important matters which were passed upon by this Court while he was one of its justices.

His opinions in the published volumes of the reports which have followed the time of his appointment are an enduring monument to his reputation. To discharge the duties of a magistrate of this Court to the considerate acceptance of those who conduct the controversies before it is no easy task. The fame which is embodied only in our somewhat shabby sheep-skin volumes seems but a dusty immortality. There is nothing in these calm, closely reasoned judgments to please the ear like the triumphs of eloquence in the halls of debate, or delight the eye like the victories of martial glory. Little read although they may be by the masses of the people, they nevertheless reach every man in his property, his life, and every thing that life holds dear. We would willingly believe that the fame of an upright and able judge is equally honorable and dignified with that which can anywhere be won by faithful public service.

Conscious of the purity and ability of Mr. JUSTICE DAVIS in the great task which he has been heretofore called upon to perform, the Bar have desired to place upon record their sense of obligation to him, and to express their hope that his services in the new field to which he has deemed it his duty to transfer them, may prove equally agreeable to himself and useful to our country.

The Attorney-General then read the resolutions, and moved that they be entered upon the minutes of the Court.

Mr. CHIEF JUSTICE WAITE replied as follows : —

We cheerfully accede to the request of the Bar, and direct that their very appropriate resolutions, as well as the remarks of the Attorney-General in presenting them, be entered upon the minutes. We have already placed on record an expression of our own feelings, upon the occasion which has called forth the resolutions, in a reply to a communication from our late brother announcing that his most agreeable official relations with us were closed.