

*Roger B. Taney, Chief Justice of the United States (1836-1864)*

*From the note on page x of his authorized biography: "The engraved likeness of the Chief Justice ... is a perfect representation of him in his eighty-fifth year. It was thought best to represent him as a private citizen, as he appeared every day." Samuel Tyler, *A Memoir of Roger Brooke Taney* (1872).*

---



# THE TANEY FUND

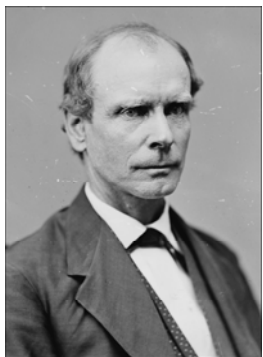
## PROCEEDINGS OF THE MEETING OF THE BAR OF THE SUPREME COURT OF THE UNITED STATES

**I**n accordance with previous notice, the members of the bar of the Supreme Court of the United States assembled in the court-room on Saturday, February 11, at 11½ o'clock, a.m.

J.M. CARLISLE, Esq., called the meeting to order, and nominated Hon. AMOS T. AKERMAN, Attorney General of the United States, as Chairman of the meeting, and D.W. MIDDLETON, Esq., Clerk of the court, as secretary.

These nominations were unanimously agreed to.

### REMARKS OF HON. A.T. AKERMAN.



The Attorney General, on taking the chair, said:

GENTLEMEN OF THE BAR: I am informed that the object of the meeting is to take some action in reference to a provision for the family of the late Chief Justice of the United States. He spent his life in the profession and in judicial service. There is information that those for whom he might have amply provided, in case he had been

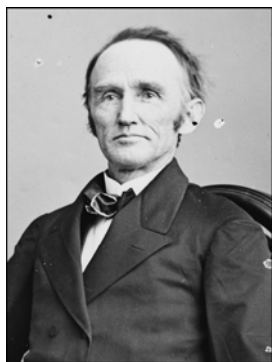
---

*"The Taney Fund" originally appeared in pamphlet form (without illustrations), published in "Washington City" by "McGill & Witherow, Printers and Stereotypers" in 1871.*

## *The Bar of the Supreme Court of the United States*

less devoted to the public service, are needy. It is incumbent upon the members of this profession to supply the deficiencies of the public action of the country; and I understand the gentlemen who are aware of that necessity have arranged that this meeting of the bar should be called, to institute proceedings in reference to making this provision. I shall be happy to hear any proposition that may be submitted.

### PROPOSITION OF HON. MONTGOMERY BLAIR.



Mr. BLAIR. Mr. Chairman, I would move for the appointment of a committee by the chair, with a view to take measures to raise the fund which has been suggested. I suppose a committee of five would be all that would be required for that object.

Mr. CARLISLE. To report to another meeting?

Mr. BLAIR. No, I do not suppose that to be necessary. The course of proceeding at New Orleans was, that a meeting of the bar was held, and a committee were appointed to make such arrangements as they deemed proper; that committee having power to appoint other committees for collections, and to make an address to their associates throughout the country. I presume that would be about the action this committee would take, having the sanction of the authority of the members of the bar of this court. I move that a committee of five be appointed by the chair, whose duty it shall be to appoint such subcommittees and take such further action as may seem to be necessary to carry into effect the object of this meeting. It does not appear to me to be necessary or desirable that we should again call the members of the bar from their duties to attend a further meeting with regard to this matter. All that is required is, that we should have the sanction of the bar at a general meeting, as this is, for the appointment of a committee to carry into effect the general desire of all the members of the bar; because it is the universal feeling of the bar, as I understand, not only of this court, but throughout the

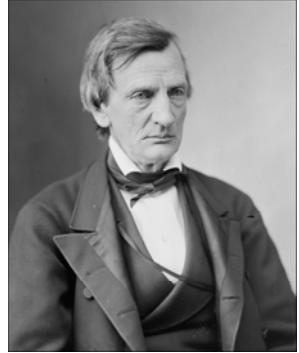
## *The Taney Fund*

country, that some suitable provision should be made for the family of the late Chief Justice.

### REMARKS OF HON. WM. M. EVARTS.

Mr. EVARTS. Mr. President, it gives me pleasure to second this motion, as it has been a matter of great interest with me to be able to be present at this meeting.

The circumstances of the surviving members of Judge Taney's family have been brought to the attention of members of the profession during the last year, and the mere statement of the case has been sufficient to excite much feeling on the part of the gentlemen who had the subject thus brought under their observation. But, for the want of some organization, I am sorry to say, as yet, no fruits have come from a consideration of the matter. I am quite sure that the meeting now held is all that was needed to put in some course of practical realization what was felt to be the duty, as it was the desire, of the profession of the country. These ladies, whose circumstances we are met to consider, in the course of a full professional service by their father, were likely to have received an ample provision from the eminent abilities and the great capacity of labor of the celebrated Chief Justice; but, by his withdrawal from the bar in the very height of his professional career, and his devotion for nearly thirty years to the service of the country on the bench, they have been left in a condition of almost actual dependence. This position they have accepted bravely and modestly, and have undertaken, by such labors as were suitable to their condition, to support themselves. We feel that this should be so no longer, and I am quite sure that the constitution of this meeting gives the amplest evidence that there is not the least remnant of political feeling on the subject, if indeed it ever existed. We are here as lawyers, and in reference to judicial service, which entitles all who have the close relationship which the objects of our present interest bear to the Chief Justice, to a recognition by the profession



## *The Bar of the Supreme Court of the United States*

of its obligation, in the absence of distinct public provision in the matter, to see that an honorable competency is provided for persons thus situated. I have conversed with members of our bar in New York, and also with gentlemen eminent in the profession in Boston, and they participate in the feeling for which this meeting is called. I see that in a more distant city, New Orleans, the same sentiment begins to find expression; while in Baltimore, as we all know, there has been for some time a nearer sense of obligation and responsibility in this matter than there were felt in the country at large.

As to any details of this undertaking, we shall very gladly leave them to this committee of five, which you, sir, shall appoint, both in regard to the manner of making up the subscription — the amount that will be proper — and the specific application of it, presently and permanently. There is no lawyer who is ready to give what he shall think suitable to his own circumstances but that will be ready to place it at the discretion of this committee. In whatever form the subscription may be opened, it will give me very great pleasure to take part in it as a member of this bar, practising in this court, and again, if need be, as a member of the bar of New York, in connection with my brethren of that city.

### REMARKS OF HON. M.H. CARPENTER.



Mr. CARPENTER. Mr. Chairman, it is a pleasure to me to participate in this meeting, and I shall be very happy to advance, to the utmost of my power, the object it is intended to promote.

Everything in this world has its bright side and its shade; evil and good are mingled in all things; advantages and disadvantages result from every human contrivance. Free institutions of civil government form no exception. Although the general balance is greatly in favor of such government, yet it produces some unpleasant consequences, and one of the results to be deplored is the niggardly compensation which is made to the judicial magistrates of this country.

## *The Taney Fund*

Indeed, without a decided reform in the compensation made for all public service, the inevitable result must be, that the practical administration of this Government will pass into the hands of rich men. Poor men, with children growing up around them, dependent upon their exertions for the means of education and suitable establishment in life, will heed the calls upon their affections, and gradually abandon the public service to those who are able to live without salaries, and can therefore afford to exchange their time for the honors which may be achieved in high position.

The people, in regard to other public servants – for example, our generals – have recognized the necessity for supplementing the compensations made by the Government, and handsome fortunes have been raised for them by voluntary contribution. A similar duty seems to fall upon the members of the bar, when we are informed that the daughters of one who for thirty years presided as chief in this illustrious court are now actually in want, within the very shadow of the National Capitol.

The lawyers of America will ever cherish the great name of TANEY. It would be out of place to speak of the living; but of those of our judges who have gone to the higher life the names of MARSHALL and TANEY will ever be mentioned together; and their opinions, which are masterpieces of reasoning and store-houses of learning, will remain pre-eminent in our judicial literature.

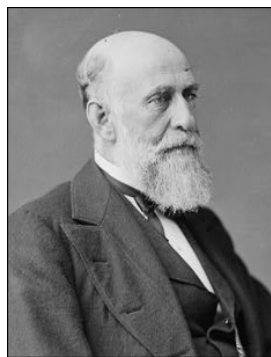
The purity of Taney's character, the frugality and temperance of his life, his devotion to the duties of his office, from which he never cast a longing look upon other places or preferments, the eminence of his abilities, his grasp of the most complicated causes and the most difficult questions, all are remembered with pride; and the members of a profession which he so illustrated while at the bar, and which stood in so intimate relations with him in his great administration of national justice, will not allow his descendants to want. Especially all the young members of the bar, who came here for the first time when TANEY was upon the bench, and experienced his condescension and courtesy, his willingness, nay, eagerness, to relieve their embarrassment, and smooth to their steps the rugged points of a new practice; the apparent interest with which his be-

## *The Bar of the Supreme Court of the United States*

nevolent face was always turned towards a young, and consequently embarrassed, advocate – these members of the bar will find this not the occasion merely to perform a duty, but will take pride and pleasure in contributing this great testimonial of professional reverence for one who has passed beyond the possibility of making any return for our kindness.

I think I can predict for the bar of the West that, in this great mustering for professional charity, it will not be found wanting.

### REMARKS OF HON. GEORGE F. EDMUNDS.



Mr. EDMUNDS. Mr. President, it seems hardly necessary that I, being a younger member of the bar, should add anything to what has been so well said. I am sure we may safely agree to what my brother Evarts has stated touching the fact that whatever of political feeling may have existed toward any act of the life of this eminent man, who has left his family in indigence, has long since passed away, and it is quite right for me to say, as one of those who would have been most likely to criticise and to find fault with any one act of the character to which I refer, and representing, perhaps, a bar that would be most likely to feel, in the heat of the moment, something of a disposition to criticise, that we never forgot, even in times of excitement, that this man, as much perhaps as any other who has adorned the bench, could bear criticism of that character upon any one act of his life, because, taking him all in all, through his long career, he displayed to our people a purity, a skill, an industry that has given renown to our most permanent institution – that of the judiciary; which has taught our people a reverence for law, for stability, for order; a lesson, I need not say, most eminently necessary in a free country – more so, if free government is to be a success, as we hope and believe it will be, than in any other.

So that even the stress of the occasion, to which allusion has been made, cannot but have had, on the whole – whatever individu-

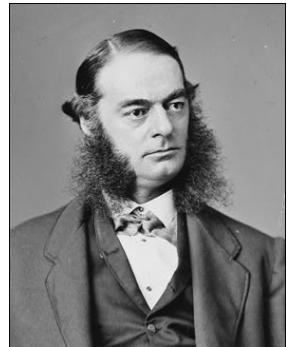
## *The Taney Fund*

als may think of it as an error in law – a most beneficial effect; because, as I have said, it has taught us all the lesson, which we from day to day so much need, that the law must not change to suit us or our notions; it must go on for the good of the whole, and over long spaces, and must only change, suiting itself to the will of the people, by that gradual process, such as those by which nature brings about results in her operations.

We may then truly say that, on the whole, there is no ground for the lawyer or citizen to criticise in any unkind sense either the professional or the judicial life of the late Chief Justice. And I am extremely glad, for one, that the bar – a brotherhood, perhaps, as pure and as close as any that exists in the country, and more intimately connected, it may be, with the real prosperity and the real stability of society than any other one of the business pursuits of life – should feel it not only its duty, but its pleasure, to see that the families of those who have been eminent in the heights of that profession, on the bench, should not suffer when their protectors have passed away.

### REMARKS OF HON. CLARKSON N. POTTER.

Mr. POTTER. Mr. Chairmen, the late Chief Justice Taney lived to a very advanced age. During all his many years his private life was a model of modesty, of kindness, and of Christian courtesy. He came to the bench after he had passed the meridian of life; and yet so great were his talents, and so wonderfully were they preserved, that for twenty-eight years he, nevertheless, continued to fill the most



exalted judicial station in the Government, with credit to himself, with high satisfaction to the bar, and with honor to the country.

Within a very few days, I heard one of Judge Taney's associates upon this bench, Mr. Justice Miller, declare that the Chief Justice was the only man he had ever known who showed at a very advanced age no imperfection in his mental faculties. He declared,



## *The Bar of the Supreme Court of the United States*

too, that, up to the close of his life, the Chief Justice's mental powers were, in all respects, equal to those of his earlier years, and that the opinions that he delivered in his eighty-eighth year would do credit to his best days.

It did so happen, Mr. Chairman, that it became the duty of Chief Justice Taney to deliver the decision of this court in a case involving the right of persons of African descent to citizenship. That decision was delivered at a time when the country was greatly excited upon that subject. The decision, and some expressions of opinion which accompanied it, gave great dissatisfaction to a large portion of our people. I was one of those who were dissatisfied. I believed the decision to be in some respects erroneous, and the consequences that might result from such opinions disastrous. But, sir, I entirely agree with our distinguished brother, Mr. Evarts, that whatever feeling against Chief Justice Taney may have been thus created has now happily passed away. And while that feeling might at one time have prevented the country from doing justice to his memory, I cannot believe that it would ever have prevented the bar of the country from making such adequate provision for those of his family who were in need, as is now at any rate, as our distinguished brother very properly said, its duty and its privilege to make.

And yet, Mr. Chairman, it is to be remembered that this gentleman, whose family, as we now learn, were left upon his death in actual want, was for twenty-eight years the Chief Justice of this Supreme Court – this court, whose province it is, not merely to determine questions of right between individuals, but even to settle those great political questions which lie at the foundation of the Government itself – and that so “niggardly,” as the Senator from Wisconsin has well said, was the compensation he received for his great services, that, notwithstanding his modest and simple life, he died without leaving any provision for his family whatever.

I know very well, sir, that the founders of this Government provided no adequate physical force with which the decrees of this court could, in case of organized resistance, be enforced. I know very well that the controlling influence which the court has for seventy years exerted has been owing to the wisdom and the character

## *The Taney Fund*

of the men who have sat here, and to the caution and consistency which have marked their judgments.

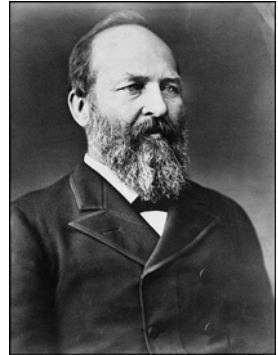
This would indeed seem, at first thought, to be an argument against the suggestion of the Senator from Wisconsin in respect of the insufficient compensation paid to our judges; and yet, sir, he is entirely right. For though this Government has, by reason of the ambition or the patriotism of its lawyers, been so long able, for wholly inadequate salaries, to secure judges qualified even for this Supreme Tribunal, we have no just reason to expect that such a condition of things can always continue; and unless wiser counsels shall prevail in this regard, I am sure that our descendants will have occasion to regret, if we do not, this unfortunate policy.

For myself, I shall consider it a privilege to be permitted to do my part toward whatever provision may be found necessary for the descendants of this great lawyer and jurist. At the same time I cannot but feel that the world will consider it another instance of the injustice and ingratitude of republics that any such necessity as that disclosed to us this morning has existed.

### REMARKS OF HON. JAMES A. GARFIELD.

Mr. GARFIELD. Mr. Chairman, little remains to be said after the excellent remarks we have just heard on this subject; but I cannot let the opportunity pass without stating what seems to me the great lesson of the occasion which has called us together.

I am disposed to believe that in the final analysis of human life and action, it will be found that character is almost the only thing that permanently survives and lives forever; and I doubt if we shall find in the history of distinguished Americans a more illustrious example of a character severely tested than that of the late Chief Justice. Few characters have been tried as his was tried. He saw, from its beginning, a long train of public events steadily developing, gaining in its course an unheard-of strength of national sentiment



## *The Bar of the Supreme Court of the United States*

and national passion, and finally culminating in an issue whose supreme weight fell upon him, and almost on him alone. And I do not doubt that in meeting that great issue he followed his own convictions of duty, and was true to himself.

Probably in no part of the northwest did his action in that crisis meet with a sharper dissent than in northern Ohio; and in that dissent I fully concurred. But during those stormy days, in all the severe criticism of which he was the object, I do not remember that a word was ever spoken against the pure and high personal character of the late Chief Justice. And because he stood this crucial test — the severest by which men are tried in this life — those who most sharply differed with him now cheerfully join in recognizing and honoring his incorruptible personal character.

One other thought only, and in continuation of what our distinguished brother from Wisconsin has so well said. He alluded to the danger that the niggardly treatment of its public servants by the Government may ultimately change the character of the Republic, and make it an official aristocracy based on wealth. This occasion affords us ground of hope that such may not be our fate. It is probable that the example of the late Chief Justice is at the present moment doing much to correct the evil so justly complained of. Within the last few days the Congress of the United States, with great unanimity, have taken measures to remedy, in some degree at least, this defect in the judicial department of the Government. I am quite sure that no member of the American bar, however humble, who appreciates the personal character of the late Chief Justice, will hesitate to join most cheerfully in the movement here inaugurated, to lift this family out of the condition of penury in which their father's virtue left them. I give the effort my hearty support.

### APPOINTMENT OF COMMITTEE.

The CHAIR put the question on the motion of Mr. Blair, and it was agreed to unanimously.

Mr. BLAIR. I should add to the motion that in case any of the members of the committee should for any reason fail to act, the committee be authorized to fill vacancies.

## *The Taney Fund*

Mr. PEABODY. And I suggest that the committee be authorized to add to their number if it is desirable, whether for the purpose of filling vacancies or not.

Mr. BLAIR. I accept that amendment.

The motion, as amended, was agreed to.

The CHAIR appointed as the committee: Mr. Montgomery Blair, Hon. W.M. Evarts, Hon. M.H. Carpenter, Mr. J.M. Carlisle, and Solicitor General B.H. Bristow, stating that the selections were made partly with a view to the representation of the various portions of the country, and partly with a view to the necessity of having a quorum present in Washington for convenient conference.

Thereupon, the meeting adjourned.

