

**MEMOIR OF THE HON. BENJAMIN
ROBBINS CURTIS, LL. D.: PREPARED
AGREEABLY TO A RESOLUTION OF
THE MASSACHUSETTS HISTORICAL
SOCIETY**

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CHANDLER ROBBINS

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Yours truly
B. R. Curtis.

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MEMOIR

OF THE

HON. BENJAMIN ROBBINS CURTIS, LL.D.

PREPARED AGREEABLY TO A RESOLUTION

OF THE

MASSACHUSETTS HISTORICAL SOCIETY:

BY

REV. CHANDLER ROBBINS, D.D.

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1878.

MEMOIR

OF THE

HON. BENJAMIN ROBBINS CURTIS, LL.D.

BENJAMIN ROBBINS CURTIS was born in Watertown, Massachusetts, on the fourth day of November, 1809. His father was Captain Benjamin Curtis, master of a vessel trading between Boston and Valparaiso, who was half-brother to the late George Ticknor. His grandfather on his father's side was Dr. Benjamin Curtis, who graduated from Harvard College in 1771. His mother was Lois Robbins, of Watertown, who has been justly described as a lady of "great intelligence and the highest womanly virtues."

The early life of eminent men does not always give promise of future greatness. The general rule expressed in the familiar line of Wordsworth, which has passed into a proverb, "The child is father of the man," does not apply to every case. There are men who have filled the highest stations in Church and State, who have risen to distinction in every liberal profession, and in every honorable calling, whose character in boyhood and youth excited rather solicitude than high expectation. There have been others who have held the highest rank, and borne off all the honors in school and college, who seem to have culminated at the close of their academic course. But in the case of Mr. Curtis the man was clearly prefigured in the boy. That which he became at maturity was but a realization of his youthful ideal. There never was a man whose steps from boyhood to manhood were more

directly and steadily upward. His whole course was steered by the "star of his early aspirations."

When he was about seven years old, he was sent to the school of Mr. Samuel Worcester at Newton, and subsequently to that of Mr. Angier at Medford, where he remained until he entered Harvard College in 1825.

His course as an undergraduate was distinguished, from beginning to end, for such traits as secured the respect of both his instructors and classmates, and gave promise of a useful and honorable life. The early associates who survive him remember to have noticed, even at that time, a peculiar upwardness, which seemed to be natural, and which marked him as one born to excel. Of a clear mind and good heart, of an independent spirit and resolute will; ambitious without envy or rivalry; cheerful without frivolity; self-respecting without conceit or vanity; of high aims and pure habits, he walked forward with a manly step, brushing aside the temptations which beset the path of a young collegian. As a scholar, he held a high rank; and, as a writer and speaker, he had no superior in the class. In his Junior year, he received a Bowdoin prize for an essay on the question "How far can Absolute Governments depend upon the Ignorance of the People?" About a year after his graduation, he obtained another Bowdoin prize for a dissertation, entitled "The Present Character of the Inhabitants of New England as resulting from the Civil, Literary, and Religious Institutions of the First Settlers." His reading was select and thorough rather than extensive. He made himself familiar with the best books, and was deeply interested in the discussion of the highest subjects. The same force of reasoning for which he was afterwards distinguished was noticeable in his forensic exercises.

Sterling common sense, soundness of judgment, self-possession, and maturity of thought and character were among his most prominent traits. With nothing of what is termed self-consciousness, without being timidly cautious or scrupulously watchful of himself, he was never taken off his guard. An instinctive sense of propriety regulated his conduct and

speech, and a natural clearness and steadiness of mind was an habitual defence against grave mistakes and sudden falls. He had, even at that early age, the air of stateliness and reserve, which has often given the impression of a cold and haughty nature. But those who knew him best ever found, beneath, a warm and generous heart, habitually kind in its judgments and considerate of the feelings of others.

A single incident, related by the classmate who has reason to remember it well, will serve to show his influence with the Faculty, and bring into view some of the fine qualities of his nature:—

“At the close of our college life, the whole class was one morning at a recitation before Dr. Hedge. It was at the last part of the last term. Just as the exercise was closing, the old Doctor took occasion to say that I had been guilty of very unscholarly behavior. There had been some disturbance near me, but in truth I had nothing to do with it, and got up and told him so. With a good deal of emphasis, the Doctor brought his fist to his desk, and repeated his charge, adding that I might as well try to convince him I was not in the room as that he was mistaken. With some disrespectful rejoinder, I left the room, without waiting for the dismissal of the class. I did not get to the foot of the stairs before I was satisfied of my mistake; and as the class came down, and several of them expressed approval of what I had done as just right, I was quite sure it was all just wrong. I noticed Curtis was not among them. Some days after I went to the Doctor's study, to set the matter right with him, if I could. He accepted my apology very pleasantly, and told me that Curtis acted the part of a good friend to me; that he had remained on the day of the occurrence after the class left, and very kindly bespoken for me a further consideration of the matter before it was reported to the Faculty; that he had, in consequence, never reported it. No one else in the boish crowd had any such thoughtfulness as this.”

After having graduated in 1829, he entered the Law School at Cambridge in September of that year, receiving at the same time an appointment to the office of Proctor in the University. In the School, his superior abilities were soon recognized by the professors and his fellow-students, who even then prophesied of the high career which was before

him. I remember to have heard Judge Story, then the Dane Professor of Law, remark that he should like to live long enough to see to what distinction three of his pupils would attain. One of these was Mr. Curtis, another Mr. Sumner; the third was a man who, by the force of adverse circumstances, was early turned aside from the course of life for which he had been preparing.

In 1831, he left the Law School, and entered the office of John Nevers at Northfield, with the intention of making that place his permanent residence. In April, 1832, he returned to Cambridge to pass a few months at the Law School, especially for the purpose of attending the lectures of Judge Story; and, in the autumn of that year, he was admitted as Attorney of the Common Pleas in Franklin County, and immediately established himself in Northfield. In October, 1834, he removed to Boston, formed a connection in professional business with Charles P. Curtis, Esq., and was admitted a member of the Suffolk bar. He soon acquired a large practice, and within a few years took a high rank among the most distinguished members of the profession. In February, 1846, his election by the Corporation as a Fellow of Harvard University was unanimously confirmed by the Board of Overseers.* He was a member of the House of Representatives of Massachusetts for the political year of 1851.

In the autumn of 1851, Mr. Curtis was commissioned by President Fillmore one of the Associate Justices of the Supreme Court of the United States, and took the official oath, administered by District Judge Sprague, Friday, October 10th of that year. The appointment to this high office was made by the advice of Mr. Webster, who in making this selection passed by several eminent lawyers, who had claims to his consideration, not only for their professional character, but also on the ground of personal friendship; among whom was one of the ablest and most brilliant members of the bar of

* For some of the data in this Memoir I am indebted to our Class Records, admirably kept by the Class Secretary, Rev. Samuel May.

his own State, with whom he had always been on terms of the closest intimacy. But Mr. Webster acted only for the best good of the country. He was influenced in his choice by his knowledge of the learning and abilities of Mr. Curtis, and of the peculiarly judicial traits of his mind and character, in combination with his robust physical health and comparative youth, which gave promise of a long period of service.

In 1857, Mr. Curtis decided to resign his office of Associate Judge of the Supreme Court of the United States. His letter of resignation to President Buchanan is brief and explicit.

The announcement of his purpose to resign was received with surprise and regret in all parts of the country, both North and South. Those who had most at heart the integrity and honor of the Supreme Tribunal, and who were most concerned for the security of our free institutions, regarded his retirement as a public calamity. Expressions of censure mingled with those of regret in private conversation and the public press; and even those who had entire confidence in the purity of his motives and the validity of his reasons found it difficult heartily to approve his course, on account of their deep sense of the loss of his services to the country. At the earliest moment after his determination was made, and before it became public, he addressed letters to the Chief Justice and all the associate judges of the Supreme Court, and to a few friends whose opinion he most highly valued, informing them of the step he was about to take, and briefly explaining his reasons. The following extract from one of these letters gives the substance of them all:—

“ SEPT. 14, 1857.

... “ If I had consulted only my own wishes, I should probably have retained the place. If I had added to these the implied obligation (the force of which I feel) to retain permanently an office whose tenure has been made permanent for wise reasons, I certainly should not have resigned it, save from considerations which seemed to me imperative.

“ The salary attached to the office is utterly inadequate to afford a comfortable home for my family at Washington, while in attendance on