

**REMINISCENCES OF  
VIRGINIA'S JUDGES  
AND JURISTS. ADDRESS**

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Reminiscences of Virginia's Judges and Jurists. Address by John Randolph Tucker

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**JOHN RANDOLPH TUCKER**

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**SUPPLEMENT to VIRGINIA LAW REGISTER.**

REMINISCENCES

OF

VIRGINIA'S JUDGES AND JURISTS.

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ADDRESS

BY

JOHN RANDOLPH TUCKER,

OF WASHINGTON AND LEE UNIVERSITY,

At a Banquet tendered to the Members of the New Court of  
Appeals by the Richmond Bar Association,  
February 7th, 1895.

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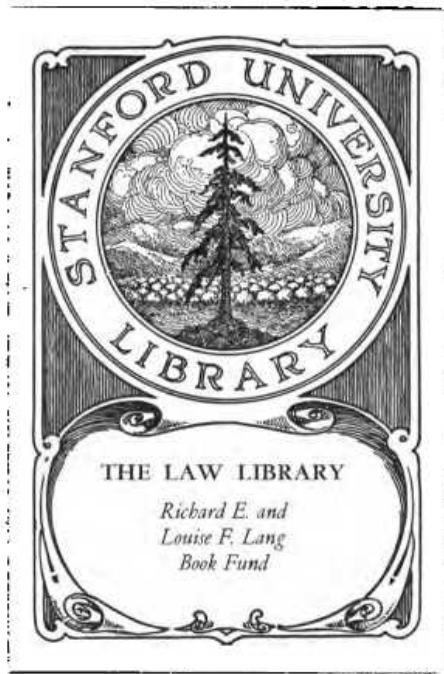
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## Reminiscences of Virginia's Judges and Jurists.

*Mr. President and Gentlemen of the Richmond Bar Association :*

Your kind invitation to give to you my reminiscences of the Bench and Bar of Virginia was a pleasant assurance that, in the quiet seclusion of my professional life, I still lived in the memory of the bar, to association with which I was first admitted on the 10th of January, 1845, in the Hustings Court of this city. I am a veteran with more than semi-centennial memories. A half century—how crowded with tremendous events; how full of social, political and professional changes—radical changes—how bright with stirring recollections of conflicts in the lists of the forum with the Chevaliers of the Virginia Bar, while eminent judges held in even balance the "Scales of Justice" for the decision of the contests—judges and lawyers whose names and fame it is our sacred duty to embalm in our heart of hearts forever.

In October, 1835, my honored and beloved father, then president of the Court of Appeals, brought his family to reside in Richmond. He had seven sons, of whom an old wag said to my father, as we were following him: "Judge, I hope they are not like the seven plagues of Egypt."

I was old enough to take interest in the forensic contests of that splendid era; and, while I can tell but little of the legal problems involved, the faces and *personnel* of judges and lawyers are impressed on my memory as living pictures.

### THE OLD COURT.

The old Court of Appeals was held in what is the present Senate chamber, the five judges sitting in common deal arm-chairs, each at his own little table, three on one side of the large fire-place and two on the other, and ranged perpendicularly to the wall. Behind a plain curved bar, covered with gray cloth, stretched along the front of the separated seats of the judges, stood and argued the men whose genius and learning were worthy of the tribunal and of this venerable Commonwealth.

In my mind's eye I see them now. My father, then in his prime, sat nearest the fire-place. Next to him I can see the small, but erect figure, surmounted by a bald and well-developed head, of Francis T. Brooke, who held his seat from 1811 to 1851. Next to him sat the noble and dignified judicial form of William H. Cabell, an ex-Governor, who, with Judge Brooke, was a judge of that court for forty years. On the other side, I see the calm, considerate and earnestly conscientious face of Dabney Carr, in which gentleness and firmness were blended in beautiful harmony, once chancellor and then judge of this court, from 1824 to his death, January 8, 1837. And next to him I see the vigorous face, strongly marked with common sense and integrity, of William Brockenbrough, for many years an eminent judge on the circuit and of the General Court, and then a judge of this court from 1834 until his death, in 1838.

In 1837 Judge Richard E. Parker, who had been an able circuit judge for many years, and was then United States senator, was elected to fill the place of Judge Carr, and at his death, in 1840, Judge John J. Allen was elected to succeed him, and remained on the bench until the *civil* power became *subordinate* to the *military* power, in 1865. Prior to his accession to the bench, however, Robert Stanard had been elected to this court in place of Judge Brockenbrough. On the resignation of my father, Judge Briscoe G. Baldwin succeeded to his place, and Judge Cabell became President of the court. On the death of Judge Stanard, in 1846 (he died with paralysis, pen in hand, writing his unfinished, yet valuable, opinion in *Yerby v. Lynch*\*), William Daniel, an eminent lawyer at the Lynchburg bar, succeeded him, and held the position until military edict removed him. He was the son of the eminent circuit judge, William Daniel, whose character has left its impress on the judicial history of the State.

#### A NEW COURT.

After the new Constitution of 1850-1, and the death of Judges Cabell, Brooke and Baldwin, the court became constituted of the following judges: President Allen, with Daniel, Moncure, Lee and Samuels as associate judges, and they constituted the court when, in 1857, as Attorney-General, my official relations to the judges brought me into closer and delightful personal intercourse with them. And when Judge Samuels, after faithful service on the court, died, in 1859, there came upon the bench my old friend, a pupil at the University of Virginia of

\* 8 Gratton, 490.

my father, the now living and eminent jurist, William J. Robertson, whose place in the front rank of the profession in Virginia is conceded by all.

The Military Court, during the reconstruction era, I never saw, and knew but one of its judges. Let it pass. They had been made to supersede the court of the Pierpont Dynasty, composed of the venerable President Moncure, Judge William T. Joynes and Judge Lucas P. Thompson; but he, dying very soon, his place was supplied by Judge Alexander Rives.

Upon the organization of the court under the Constitution of 1870, it was constituted of President Moncure, Joynes, Christian, Staples and Anderson. Judge Joynes died, lamented by the profession as a judge of marked native ability, and of varied and accurate learning, and Judge Wood Bouldin succeeded for a few years of distinguished service until his death, when the yet living Edward C. Burks succeeded him for too short a term of service; another of my old college-mates, and a graduate with Judge Robertson in law under my father in 1842.

Of this court all have passed away except Judges Christian and Staples, but the record of their decisions enables us to estimate them as eminently worthy of their honored predecessors. Their praise is voiced by the profession for learning, ability and integrity.

#### THE RECENT COURT.

Though I have occasionally practiced before the court whose term is just ended, I was too little brought into professional and personal relations with them, and their record is too recent to be the proper subject of reminiscences by a septuagenarian.

But I personally knew, some of them intimately, all very well, every judge who has occupied a seat on the appellate bench since October, 1835; and since 1857 my personal relations to all, my cordial friendship for many of them, has linked me to its personnel with bonds never to be broken.

Of the judges of the ancient court—of Edmund Pendleton, the president of the convention of the people of Virginia which ordained, on the 29th of June, 1776, the first Constitution of a free, sovereign and independent Commonwealth, known in history; the president of the convention of 1788, which ratified for, and on the behalf of Virginia, the Federal Constitution proposed by the Federal convention of 1787, and then first president of the Court of Appeals of Virginia until his death, in 1803, history will ever speak, and I may well be