

**PROCEEDINGS OF THE BENCH AND
BAR OF THE CIRCUIT COURT OF
THE UNITED STATES, DISTRICT OF
MASSACHUSETTS, UPON THE
DECEASE OF HON. JOHN LOWELL**

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Massachusetts, upon the decease of Hon. John Lowell by Various

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OF THE

CIRCUIT COURT OF THE UNITED STATES,

DISTRICT OF MASSACHUSETTS,

UPON THE DECEASE OF

HON. JOHN LOWELL.

BOSTON:

1897

MEETING OF THE BAR,

JUNE 19, 1897.

ON Saturday, June 19, 1897, the members of the Bench and Bar of the United States Circuit Court gathered in the Court Room at the Federal Building, on Devonshire Street, Boston, to pay their tribute of respect to the memory of their departed professional colleague and brother, HON. JOHN LOWELL, and to pass appropriate resolutions on the subject. The proceedings were impressive in character, and the attendance was both large and representative, the judges and lawyers present representing the New England circuit and district courts of the First Circuit.

The meeting of the bar was held prior to the coming in of the Court, such meeting having been called by adjournment from a previous gathering, at which a committee had been appointed to prepare resolutions on the death of Judge LOWELL. The lawyers present included Charles A. Welch, Charles Levi Woodbury, Alexander S. Wheeler, Hon. George S. Hale, Causten Browne, Thornton K. Lothrop, Hon. William W. Crapo, James C. Davis, John C. Ropes, Lewis S. Dabney, Solomon Lincoln, Henry M. Rogers, George W. Morse, Frederic Dodge, Charles P. Greenough, Frederick P. Fish, Melville M. Weston, Henry W. Putnam, Eugene P. Carver, James E. Cotter, Edward

E. Blodgett, Richard M. Saltonstall, Henry Wheeler, Judges Hammond and Bishop, of the Superior Court, John G. Stetson, Clerk of the United States Circuit Court of Appeals, United States Commissioner Francis S. Fiske, United States Attorney Boyd B. Jones, Assistant Attorneys John H. Casey and Frederick P. Cabot, John Lowell, Jr., Ex-Judge William L. Foster, of Concord, N. H., Ex-Judge Joseph W. Symonds, of Portland, Me., Arnold Green, of Providence, R. I., and many other legal gentlemen from Massachusetts and other States.

The proceedings began shortly after 11.30 A. M. The meeting was called to order by United States Attorney Jones, who said :

GENTLEMEN OF THE BAR: It is pre-eminently fitting, on an occasion of this kind, that some member of the bar of long standing should be called upon to preside over this gathering, and I therefore suggest that a motion to that effect be made.

A motion was then offered, seconded, and unanimously carried that Mr. Causten Browne preside over the meeting. Mr. Browne took his seat as chairman of the meeting, and Mr. Frederic Dodge was requested to act as secretary.

PRESIDENT BROWNE next said :

BRETHREN: It will now be necessary to state to you the object of this meeting. As a matter of form it is called to receive and act upon the report of the committee appointed a day or two after Judge Lowell's death to prepare resolu-

tions and submit them to an adjourned meeting of the bar. The resolutions have been drawn by the hand of an old friend of the deceased, our brother, Mr. Thornton K. Lothrop, and I shall presently ask him to make a report on behalf of the committee and to read those resolutions. I have said what the meeting is as a matter of form, but it is far beyond that. On the occasion of such an event as the death of Judge Lowell, that event seemed to the committee to justify our calling upon the bar of the other States in this Circuit to come and join us in the memorial we have to make. There are accordingly present four or five gentlemen not belonging to our own immediate bar who are present here to-day, who are glad to be with us, and who will make a worthy contribution to the work we have in hand. I now request Mr. Lothrop to read the resolutions.

MR. THORNTON K. LOTHROP, read the resolutions as follows:

The members of the bar of the United States Circuit Court for the First Circuit, desirous of placing upon record an expression of their appreciation of the eminent qualities of Hon. John Lowell, for more than nineteen years a federal judge of this circuit, hereby

Resolve, That in the death of Judge Lowell, the court, the bar, and the community have sustained no common loss. As a magistrate and a lawyer he was conspicuous alike for the modesty and simplicity of his character and bearing; for his mental and moral integrity; for the solidity and variety of his legal learning; for his quick apprehension, his clear perceptions, and his strong common sense; for his innate and inexorable love of justice, and his repugnance to

all wrong and oppression, or to anything that savored of sharp practice or double dealing. On the bench his uniform courtesy relieved a young practitioner of all embarrassment and aided him in the proper presentation of his case; while the oldest and ablest counsel fully recognized and respected his eminent judicial abilities and deserved distinction.

Possessing in a very high degree a natural aptitude and taste for the investigation and determination of legal problems, each year of his judicial service found him better fitted for his work and holding a higher place in the public respect and confidence. Thoroughly independent in character, his sole endeavor as a judge was to discharge all his duty with scrupulous fidelity, to hear with attention, to examine and weigh with absolute fairness the cases submitted to him, and to decide them correctly, employing and interpreting the technical rules of the law to aid, not to defeat, the ends of justice. His opinions were clear, strong, terse, and to the point, and were not infrequently illumined by flashes of keen, but always kindly, wit.

As a practising lawyer, Judge Lowell manifested the same qualities which distinguished him on the bench. From his learning and sound judgment he was much sought for as an arbitrator and referee. He was a safe and trusted adviser. He gave to the preparation and argument of his causes the best that was in him, and was to the end of his life a diligent student of the law. He had a great kindness for the younger members of the bar, took a warm interest in their work, and his learning and experience were always at

their service. The practice of the law was to him a calling of honor and dignity. He adhered to the ancient traditions and highest standard of professional ethics, and believed in the common law as an admirable system for securing the largest possible measure of justice in the disputes which must arise in the complex business and relations of life.

He was not only an able lawyer, an upright and learned judge, he was a patriotic citizen, interested in public affairs, zealous for the public good. He was an excellent neighbor, a delightful companion, a warm and faithful friend; and while his character and ability gained him the respect, the kindness of his nature and his uniform thoughtfulness and consideration for others won for him the affection of all who knew him.

PRESIDENT BROWNE: The resolutions are now before the meeting, and the meeting will be glad to hear what the brethren desire to say in their support, before the vote is taken.

REMARKS OF HON. GEORGE S. HALE.

MR. CHAIRMAN AND BRETHREN OF THE BAR:

Lord Chief Justice Coleridge said of Mr. Justice Archibald of the Queen's Bench and Common Pleas, of whose very existence, so fleeting is the memory of honored names, some of us may need to be reminded, "No one was fitter than he to be taken from the great task of judging others to be judged himself." Before this Bench, which their predecessor, taken from this great task, in which they follow him, so much adorned, I could not ask a better text for the words of professional and personal praise which I am allowed to offer to his memory and for the approval of your just judgment.

Judge Lowell was appointed Judge of the District Court for Massachusetts, March 11, 1865, and Circuit Justice of the First Circuit, December 18, 1879. He resigned in May, 1884, thus holding judicial office about nineteen years.

He was a lawyer by descent and inheritance. His great-grandfather, of the same name, was a judge in 1782 of the court to which appeals lay from the Court of Admiralty, and held the offices of District Judge of the United States under an appointment by George Washington, and of Chief Justice of the Circuit Court under an appointment by John Adams. To the consideration of the court, his brethren on the bench as well as at the bar, I may wisely leave the more authoritative description of his widely recognized merits and success in the performance of his great office. But I call all those around me as witnesses to my declaration of his deserving, whether they looked up to him from the bar, appealed to him