

PROCEEDINGS OF THE COURT

HAD UPON THE

DEATH OF JUDGE MURRAY.

MONDAY, October 5, A. D. 1857.

Present—TERRY, C. J.; BURNETT, J.

On the opening of the Court, W. T. Wallace, Esq., Attorney General of the State, arose and said:—

“ May it please your Honors :

“ Since your last adjournment it has pleased an all-wise Providence to remove from our midst the HON. HUGH C. MURRAY, the late Chief Justice of the Supreme Court of California.

“ Arriving upon our shores a youth, unknown and unheralded, unaided by any of the fortuitous circumstances which sometimes lend success to men, he commenced his high career ; but he was not even then unnoticed ; one who heard his first effort here, as a lawyer, has often, in other years, related to me the deep interest which his eloquence threw around the first cause which he argued upon these shores.

“ After his arrival in this State, JUDGE MURRAY did not long remain at the bar. It was early discovered that he was fitted for a loftier position. He was first elected one of the Judges of the Superior Court of the city of San Francisco. In that position his great abilities as a jurist were so signally displayed, that, in accordance with the general wish of the bar, at the earliest opportunity which offered, he was transferred to the bench of the Supreme Court, in which position, having been twice elected by the people of the State, he continued until death put a period to his usefulness. He was gifted by nature with an intellect capable of grasping the mightiest subjects ; he had a mind which passed with ease through the meshes in which ingenuity or sophistry had interwoven a cause, to the controlling point ; and he was possessed of an analysis, under the magic operation of which the most intricate legal problems were solved as if by intuition. At the early age of thirty-two years, it is not to be denied that his position was in the front rank of the jurists of our country. In view of so much accomplished while he was yet in the morning of life, who could tell what he might have effected for his country and himself when years and experience had fully matured his great powers ? But he is gone. Glassy and

dim now is the eye that we have seen here so often lit up with the flash of genius and intelligence. That generous and kind heart is stilled forever. That noble form, which we have so long seen presiding over the judicial destinies of a great State, has passed away, and of the loved and honored and gifted departed, nothing is left but the bright page in the judicial history of the State which his genius adorned, and the memory of the *man*, most fondly cherished by those who knew him best. He had no negatives in his nature. He never shunned responsibility, and never turned aside in his pathway to avoid consequences; and, like all men of such strongly marked and positive character, he had bitter enemies and devoted friends: but friends and generous foes, alike, gathering around his early tomb, pronounce his untimely death the greatest calamity that has as yet befallen the fortunes of our young commonwealth.

"I move your Honors that the resolutions of the Sacramento Bar, which I have the honor now to read and present, may be entered upon the minutes of the Court, and that this Court do now adjourn, as a mark of respect to the memory of the lamented deceased."

MEETING OF THE SACRAMENTO BAR.

SEPTEMBER 19th, 1857.

Pursuant to adjournment, the members of the bar assembled at eleven o'clock, in the Supreme Court room. The seat lately occupied by the deceased bore the marks of mourning.

L. Sanders, Jr., resumed the Chair, and H. T. Booraem again acted as Secretary.

The first business in order was the report of the committee, appointed at the previous meeting, on resolutions, expressive of the feelings of the bar.

Jos. W. Winans, chairman of the committee, submitted the following:

"Whereas, It has pleased the Supreme Ruler of the Universe, by an afflictive dispensation of His Providence, to summon from our midst the HON. HUGH C. MURRAY, Chief Justice of the Supreme Court of the State of California;

"And Whereas, In the high station which he filled and honored for so many years — a station he had won through the force of his commanding talents, unaided by the advantage of patronage, the combination of circumstances, or the influence of power — his plastic hand shaped forth and framed, or mainly framed, for this new State, a system of judicial exposition, not surpassed for equity and soundness by that of any Government in which the common law prevails;

"And Whereas, That bright career of usefulness and glory, which smiled before him, has been suddenly arrested by the hand of the 'grim sergeant, Death,' at a period of great emergency, when, in the fluctuations of affairs, his firmness, moderation, and judicial wisdom could but ill be spared: therefore

"Resolved, That we deeply deplore the sad event, not only as an individual bereavement, but as a great public and national calamity.

"Resolved, That in the illustrious deceased the Bench has lost one of its brightest ornaments, and the law one of its ablest expounders.

"Resolved, That in this early departure of one whose ripening gifts of intellect and knowledge gave promise of such full fruition in the time to come, the cause of learning and jurisprudence has sustained a heavy blow.

"Resolved, That the members of the bar do attend the funeral of the deceased, in a body, and wear the usual badge of mourning for the period of thirty days.

"Resolved, That a copy of these resolutions be presented to the bereaved mother and all the surviving relatives of the deceased.

"JOSEPH W. WINANS,

JOHN HEARD,

"CHAS. T. BOTTS.

ROBT. F. MORRISON,

"MILTON S. LATHAM,

PHILIP L. EDWARDS."

On motion of Robert Robinson, the report was adopted, unanimously.

P. L. Edwards moved that the Supreme Court, the District Court, and the County Court, be requested to have the foregoing resolutions spread upon their journals. Unanimously adopted.

L. SANDERS, Jr., Chairman.

H. TOLER BOORAEM, Secretary.

In response to the motion of the Attorney General, Chief Justice Terry said:—

"The death of the HON. HUGH C. MURRAY, who for five years past has occupied, with distinguished ability, the position of Chief Justice of this Court, has filled us with unfeigned regret.

"Called early in life to an important position in the Judiciary of a new State, he was eminently fitted for the discharge of the onerous and responsible duties of the past. His quick perception, sound judgment, and vigorous intellect, enabled him to master, with ease, the most difficult questions; and the possession of great moral courage prevented his being swayed or influenced, in the conscientious discharge of his official duties, by any considerations of policy or regard for personal popularity. He has left his mark in the history of our young State, whose judicial reports, bearing the impress of his genius, will remain a lasting monument to his memory.

"As a judge, he was just, impartial, and fearless. As a man, he was remarkable for the possession of social qualities which won, in a peculiar degree, upon the confidence and affection of his associates. He was frank, candid, and ingenuous, almost to a fault; generous, to prodigality; and firm and faithful in his friendship.

"We deplore his early death, as an irreparable loss to the State; and, cordially approving the resolutions you have just read, order that the proceedings of to-day be entered on the minutes of the Court, and, as a mark of respect for the memory of our late distinguished brother, order that the Court stand adjourned until Monday next."