

Memorial to Mr. Justice Field.

In Bank, June 5, 1899.

At the convening of the Court, Mr. Myrick rose and said:

"If your Honors please,

"The Bar Association of San Francisco, realizing that it could not, in justice to itself, permit such an important event as the death of Mr. Justice Field to pass without public notice, has caused a memorial to be prepared. That memorial has been presented to the United States Circuit Court of Appeals, sitting in this city, the highest Federal Court on this coast, and of which the deceased had been a member. I am deputed by the Association to present the memorial to this, the highest State Court, of which the deceased had also been a member. Have I your Honors' leave to now present it?"

Leave being granted, Mr. Myrick read the memorial, as follows:

In Memory of Stephen Johnson Field.

"When such an imposing and interesting figure as that of Judge Field passes out of the sight of men it is fitting that some especial note be taken of the important event. More than such a note would, on an occasion like this, be inappropriate and indeed impossible. To properly present his career would involve the labor of a biographer. It is proper, however, that we should briefly call to mind some of the most important events of his life.

"Stephen Johnson Field was one of seven brothers, and was born at Haddam, Connecticut, on the fourth day of November, 1816, and died in Washington on the ninth day of April, 1899. He was graduated with honors from Williams College in 1837, and, having been admitted to the bar, joined with his brother Dudley in the practice of the law at the city of New York. This partnership was relinquished in 1849, after an extended European tour, in order that he might come to California. He took passage for this State on the thirteenth day of November, 1849, and reached San Francisco on the twenty-eighth day of December of the same year. Not long afterwards he went to the stirring mining camp now known as the city of Marysville, where on the eighteenth day of January, 1850, he was elected first alcalde. Later in the same year he was elected to the State legislature and served throughout the important session of 1851. He was chairman of the judi-

ciary committee, and was concededly one of the very leading members of that legislature. He was elected to the Supreme Court of California in 1857, and took his seat on the bench of that court on the thirteenth day of October of that year. Two years later he became Chief Justice, which office he held until his appointment by President Lincoln to the bench of the Supreme Court of the United States. His commission was dated March 10, 1863, and he took the oath of office on the twentieth of May following. He served continuously on that bench until his resignation on the twelfth day of October, 1897, having had at the time his resignation took effect, on the first day of December following, a judicial career there of thirty-four years and seven months—the longest in duration of that enjoyed by any of his predecessors. His industry as a judge is largely shown by the fact that he prepared while State Supreme Judge three hundred and sixty-five opinions, and while United States Supreme Judge six hundred and twenty opinions, and, besides these, fifty-seven as circuit justice.

“In addition to these judicial labors he, with Jackson Temple and John W. Dwinelle, served in 1873 as a commissioner to examine the codes of California, and to prepare amendments thereto. He was also a member of the electoral commission of 1877, and was one of the seven members who voted for Tilden. At the time of his death he was a trustee of the Leland Stanford Junior University.

“Of all the striking personalities that have made California singularly interesting, none is more striking than that of Judge Field. He came as did the others, in the fullness and freshness of young manhood, to a virgin field of endeavor, the like of which the world has never elsewhere seen. He entered into the life of the time with strength of leadership from the very beginning. His was the shaping hand that drew order out of chaos in the community where he first became active as a public man; his was one of the shaping legislative hands at the very beginning of California's political life; no other one man contributed so much as he to the settlement of her land titles; and as a judge no other one hand has made such an impression upon her judicial history. And when he left the State Supreme Bench for the higher station of the Federal tribunal his lustre was not dimmed by that of the great men about him, but it shone with such additional brilliancy as to make him beyond all question one of the greatest judges this or any other country has produced. In fact, we quote the language of Chief Justice Fuller: ‘His judicial career was unexampled in length and distinction. . . . His labors left no region of jurisprudence unexplored, and now that he rests from them his work will survive him.’

“Judge Field not only shone as a jurist by reason of his great and varied learning, his acute intellect, his great grasp of the subject in hand and of the principles of law applicable to it, but as a judicial writer. Certainly there are no opinions in the reports of the Supreme Court of the

United States which surpass those of Judge Field in lucidity, orderly presentation and force of reasoning. His style was eminently judicial and his sentences well framed and never involved nor ambiguous. It is by reason of these qualities that his opinions are almost unique in judicial literature; and it is perhaps not going too far to assert that his dissenting opinions are the most noted, taking them as a whole, of those of any judge who ever sat upon the Federal Supreme Bench.

"He was masterful and courageous. Like all such men he was positive in everything; and no man ever held to a deliberately formed opinion with more tenacity than he. He was uncompromising when he once took a position, and never feared any consequence which might flow from a decision or judgment of his. He felt the importance and dignity of the judicial office as deeply as any man who ever wore the ermine, and that office he ever maintained at its highest. He had been well trained for the judgeship, and he came to it with a learning and a culture rarely equaled. Taking him for all in all, he was not only one of the most interesting and capable of the many public men who have made our country distinguished, but he played an important and illustrious part in the formative life of California; and he now rests from his labors with such distinction as has seldom fallen to the lot of a judge."

Mr. Myrick:

"I move your Honors that this memorial be spread at length upon your records."

The Chief Justice:

"It is eminently fitting that this should be done. It is customary upon similar occasions, and it is proper upon this. The motion is granted."