

## In Memoriam.

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### ROBERT FRANCIS MORRISON.

DIED MARCH 2, 1887.

The members of the Bar of the Supreme Court of the State of California met in the court-room at San Francisco, at 10 o'clock P. M., on the 3d of March, 1887, to take appropriate action relative to the death of the Honorable Robert Francis Morrison, formerly Chief Justice of the Supreme Court. On the motion of Mr. W. W. Cope, Mr. S. M. Wilson was elected chairman, and Mr. T. V. O'Brien secretary. Mr. Wilson having stated the object of the meeting, Mr. E. R. Taylor moved that a committee of five be appointed to prepare a suitable memorial. The following gentlemen were so appointed: Mr. J. P. Hoge, Mr. E. R. Taylor, Mr. John Garber, Mr. Charles Page, and Mr. R. Y. Hayne. The committee thereupon retired, and on returning submitted the following memorial, which was unanimously adopted:—

#### IN MEMORIAM.

For the third time in the judicial history of the State a Chief Justice of the Supreme Court has died at his post,—first Murray, then Sprague, and now Morrison. Thirty years ago the Bar and Bench mourned the untimely taking off of the gifted Murray, as it has now to mourn the loss of his successor. And it is something of a coincidence, well worth mention here, that Chief Justice Morrison, then practicing his profession in Sacramento, was one of the committee appointed

by the Bar of that city to prepare appropriate resolutions on the occasion of the death of Chief Justice Murray.

Robert Francis Morrison was born in the State of Illinois in the year 1826, — a State whose soil has been prolific of the noblest and best in American history. In his own family, he was not the only one who achieved distinction. W. R. Morrison, so long prominently before the country, is his first cousin, and Colonel Don Morrison, one of the leaders of the Bar in St. Louis (now retired from practice), is his elder brother. Another brother, Murray Morrison, was a lawyer of prominence in the early days of California, and ended his days on the Bench of the Los Angeles district.

The future Chief Justice was born at the very dawn of the great awakening of the wide West, and lived to see that dawn brighten into such a day as the pioneer had never conceived of in his wildest imagining. At the time of his birth, Illinois stood on the western verge of American civilization; the towns were few in number and scant in population, and the tillers of the soil had to be content with the shelter of the log cabin. Under such circumstances, some of the greatest of our heroes have been developed; and under such circumstances, Judge Morrison commenced a career which was to be continuously onward and upward. His strength grew with the strength of his native State, and at the time of the breaking out of the war with Mexico he felt himself a man in vigor as well as in years. And so it was, that, moved by sense of duty and devotion to his country, when his elder brother became lieutenant-colonel of a regiment for service in that war, he enlisted under his banner, and served until the close of the conflict. He was at the battle of Buena Vista, and performed his part there with bravery and gallantry. After having been mustered out of service he went to St. Louis, where he studied law, and from there, after taking a course of law lectures at Harvard, he bent his course for the field of

his future honor and usefulness. He arrived in California early in the fifties, and after having been admitted to the Bar, practiced his profession in Sacramento in conjunction with his brother Murray Morrison, and with J. Neely Johnson, who subsequently became Governor of the State. During his residence at Sacramento he was elected and served as district attorney of the county.

In the year 1856 he removed to San Francisco and associated himself in the practice of the law with different gentlemen, all of whom were then prominent at the Bar. The late Delos Lake and he were partners at the time the former was appointed United States district attorney, and Judge Morrison was appointed his first assistant.

In 1869 Judge Morrison was elected for the full term of six years to the Bench of the Fourth District Court, and was re-elected in 1875. In 1879, while still on the district Bench, he was elected the first Chief Justice under the new constitution, — a rare distinction, particularly as his election was secured by a considerable majority.

During all the time of his professional and judicial labors, his health had remained unimpaired; and it was with a great shock that some two years ago the public learned of the Chief Justice having been stricken down by paralysis. Severe, however, as at first seemed the blow, he rallied from it in a wonderful manner, and was enabled to resume his judicial labors, if not with all his old-time strength, at least with a determination to do his duty to the last. Indeed, he participated in the business of the court within a week before his death.

Judge Morrison was quiet and grave in demeanor, but exceedingly fond of social intercourse. In disposition he was mild and affectionate, and though naturally of high spirit, his restraint and equanimity on the Bench were admirable. By his acquaintances he was greatly esteemed; and by his friends very much beloved. He

had been married many years, and leaves his widow to mourn a loss, which to her is, indeed, one that nothing on earth can ever repair; for between this childless couple there was a devoted attachment which did but increase with increasing years.

The distinguishing feature of the character of the deceased Chief Justice was his extreme conscientiousness. He was a religious man by nature, and his whole life exemplified his convictions. He was too conscientious to slight any of the observances of his church, and these he would insist on fulfilling, even at the risk of his health. This conscientiousness he carried into his judicial life. Every suitor who stood before Judge Morrison felt that he was standing before a judge who would judge his case as he himself hoped to be judged by the Great Judge of us all. There doubtless have been greater judges; but no judge ever met the difficulties of his judicial life with an aim more single to the most perfect and absolute rectitude of decision. His mind never took kindly to those legal subtleties with which professional ingenuity so frequently succeeds in putting out of sight the real merits of a controversy; but what he always desired was to go straight to those merits, and on them alone have the rights of the parties determined as speedily as possible. He abhorred everything in the nature of fraud or deceit. He was honest in every fiber of his being. To know him was to know that under no conceivable circumstances could he be corrupted. His whole life and conversation were singularly pure; and as we stand around his bier, and look, with dimmed eye, for the last time, upon those lips which never more shall be opened on this earth, we can truly say, that when he put his ermine off, it was as white and spotless as when first he put it on.

On the motion of Mr. A. L. Rhodes, the committee was instructed to present the memorial to the Supreme

Court in Bank on March 7, 1887. On the opening of the court on that day, the memorial was presented by Mr. Taylor, whereupon Mr. Justice McKinstry replied as follows:—

The resolutions presented, supplemented by the eloquent address of Brother Taylor, express in forcible and appropriate language the sense of the Bar with respect to the eminent qualifications of the late Chief Justice for the discharge of the duties of his high office, and their estimate—in which we cordially concur—of his pure and upright character. It only remains for us, who have been brought into immediate official relations with him, to bear testimony to the gentle disposition and affectionate nature of the deceased. A model of the domestic virtues, we fear to encroach on a grief too sacred even for such intrusion, when we venture to extend to her for whom he entertained a sentiment tender, protective, respectful—romantic in its devotion, yet elevated, ennobled, and dignified by religion—our profound sympathy in this the early period of her widowhood.

While we sympathize with the widow's solitary affliction, the death of Chief Justice Morrison is felt deeply by a wide circle of friends and admirers. We cannot fail to bring to mind that during the long illness which preceded the fatal attack, he endeavored to perform his official functions with the careful effort which had marked his previous career, and but for his conscientious labors in that regard he might have lived longer, and perhaps more happily.

Those who knew him well in private life, and who recall his genial kindness, his pleasant humor, and his quick apprehension of wit and humor in others, recall also that his speech was ever restrained by a sense of responsibility for its use; and fond as he was of illustrating his theme by amusing incidents, his jests were never marked by open or ill-concealed malice, his anecdotes never made the vehicle of detraction.

Chief Justice Morrison was a religious man. A Christian, punctilious, and constant in the discharge of his duties to his church, he was positive in his own convictions, and charitable toward those whose religious views differed from his own. His friends are consoled by the reflection that he was afforded the opportunities he so much desired and valued to make solemn preparation for the event, which, however dire when presented to the human contemplation in the season of health, loses much or all of its terror when approached by one like Robert F. Morrison, upheld and strengthened by a spirit of unwavering faith.

It is a trite moral, but may we not hope that some of their survivors may receive *and act upon* the death of the Chief Justice and that of our late beloved brother McKee — not yet formally announced, though almost coincident — as renewals of the warning so often repeated, to prepare for the inevitable fate of mortals.

The memorial of the Bar will be entered on the minutes of this court.