

REPORT

of the

FORTY-FIRST ANNUAL MEETING

of the

MARYLAND STATE BAR ASSOCIATION

held at

THE HOTEL AMBASSADOR, ATLANTIC CITY, N. J.



JULY 2, 3 AND 4, 1936



Published by

MARYLAND STATE BAR ASSOCIATION

NINETEEN HUNDRED AND THIRTY-SIX

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THE HOME OF TANEY

I am very glad that the subject of Taney's home was suggested as one of the topics of discussion at this meeting. For after all is said and done, after a man's defeats and victories, mistakes and disappointments, honors and humiliations are appraised, eulogized or condemned, it is the man himself who lives on for us to remember, honor and emulate. A man's character is evaluated to a large extent by a study of his attitude toward his relatives and his intimate friends. That is one reason why the biographer searches so diligently for seemingly trivial incidents, personal letters, and family traditions.

We generally find that great men have simple tastes. Roger Brooke Taney was by nature unusually domestic. After he had been living in Washington for some time, and had been invited to a testimonial banquet in Frederick following his rejection as Secretary of the Treasury by the Senate, he wrote to one of his Frederick friends: "I am as you know no great diner out, and my habits have not altered since you knew me."

Taney's marriage to Anne Key, the sister of Francis Scott Key, was a very fortunate and happy union. They lived together through the joys and tribulations of almost fifty years. One of the letters of Chief Justice Taney, which attracts unusual attention at the Taney home in Frederick, is the letter which he wrote to his wife in 1852 on the forty-sixth anniversary of their wedding. In that letter he said: "I cannot, my dearest wife, suffer the 7th of January to pass without renewing to you the pledges of love which I made to you on the 7th of January forty-six years ago. And although I am sensible that in that long period I have done many things that I ought not to have done, and have left undone many things that I ought to have done, yet in constant affection to you I have never wavered—never being insensible how much I owe to you—and now pledge to you again a love as true and sincere as that I offered on the 7th of January, 1806."

Many visitors in Frederick are surprised to find that the home of Taney is so small, compared to the homes of many great men. But it was owned by him before he was lifted into national prominence by President Jackson. It gives evidence of the unpretentious mode of life that he lived while he was a member of the

Maryland Bar. The modest dimensions of the home are referred to in a poem which has been written for the Taney Home Association:

“Small home of a great statesman!
There it stands!—
In dignity and modesty and grace,
When o’er the threshold of the door we cross,
We seem to stand within a hallowed place.”

All through life Taney was handicapped by physical frailty. He was quick and alert, but he soon became exhausted. Although he learned as a lawyer not to worry about the outcome of his cases, nevertheless at the end of a strenuous term of Court he often had to spend a number of days in bed recuperating. After he became Chief Justice he was compelled to be absent from Court because of illness on innumerable occasions. And so he became quite dependent upon his wife and his daughters, who nursed him back to strength. His home as a place of refuge from his legal and political battles has been described in these words:

“But this was Taney’s home, where peaceful rest
From toil, and turmoil of the State was found.
These walls gave sanctuary to his heart,
With all his loved ones closely gathered round.”

Doubtless the devotion and the solicitude of Mrs. Taney and the daughters enabled the Chief Justice, in spite of his frail constitution, to live beyond the age of eighty-seven. Mrs. Taney, who also was frail, gave birth to seven children. Only one was a boy, and he died when he was three years old. Accordingly, while Chief Justice Taney has a number of descendants, none of them has the name of Taney. The six daughters of Chief Justice and Mrs. Taney grew to maturity. The first child, named Anne after Mrs. Taney, married J. Mason Campbell, a member of the Baltimore Bar. Elizabeth, the second daughter, married William Stevenson, a merchant of Baltimore. Ellen, an invalid most of her life, never married. Sophia married Colonel Francis Taylor, who deserted his wife and little boy and was denounced by the Chief Justice for having no sense of propriety or honor. This daughter returned in shame with her young son to her father’s home, thereby adding to the Chief Justice’s financial burdens. Maria, the fifth daughter, married Richard Allison, a purser in the Navy. Alice, the youngest, did not marry.

Because of their mode of life and their slender means the Taney gave little attention to society. Often they took long trips

into the country for their health. Some miles from Frederick lay Terra Rubra, the birthplace of Mrs. Taney and her brother, Francis Scott Key. Here the Taney's and the Keys often held delightful family reunions.

Taney, like his brother-in-law, was known far and wide for his kindness to the slaves. The servants in his family could hardly understand his kindness, when contrasted with the treatment accorded by other masters to their slaves. He manumitted the slaves which he inherited from his father; and some of the old ones he supported by monthly allowances of money until their death. On the walls of the slave quarters of the Taney home we have displayed photographs of the manumission papers taken from the records of the Circuit Court for Frederick County, showing that Taney voluntarily freed his own slaves.

In later years, after the death of Francis Scott Key, and when the Taney girls were all grown, the Chief Justice took Mrs. Taney to the summer resorts for their vacation. In 1854 they decided to go to Old Point Comfort. One day at the seashore he opened Van Santvoord's "Lives of the Chief Justices." The last chapter in the book gave a sketch of Taney's life. It was then that he realized that his own life would "form a part of the history of the country." A few days later he determined to write a complete story of his own life. He said that he was not sure whether he would live to finish the autobiography; nevertheless he launched upon the task. He lived ten years longer; but he succeeded in bringing his manuscript only up to the twenty-fifth year of his life. The Chief Justice evidently found the writing of a book much more onerous than he expected. Furthermore, he did not anticipate the staggering tragedy that was awaiting him. He had decided to return to Old Point Comfort in the summer of 1855, and he journeyed there again, accompanied by Mrs. Taney and their youngest daughter, Alice, now twenty-eight. An epidemic of yellow fever was raging in Virginia. Mrs. Taney was stricken with paralysis, and Alice also fell ill with the fever. Mrs. Taney's death came suddenly, and a day later Alice succumbed to the dreaded disease. The broken-hearted jurist left the summer resort, never to return. And the writing of his autobiography was never resumed.

The last years of Chief Justice Taney's life were extremely pathetic. Since he had leaned so heavily upon his wife for nearly fifty years, many of his relatives and friends feared that he might collapse at any moment. Although not as rugged as Associate Justice Oliver Wendell Holmes of more recent days, he bore up

well under his load of eighty years for he was "sustained and soothed by an unflinching trust" which enabled him to approach the grave

"Like one who wraps the drapery of his couch
About him, and lies down to pleasant dreams."

It was after the death of his wife and daughter Alice that Chief Justice Taney was plagued by the appeal of Dred Scott. The venerable jurist tried his best to postpone the tragedy of fratricidal war. But his efforts were in vain. Destiny decreed that a Marylander must write the opinion in the case. The small size of the desk on which such a lengthy and momentous decision was written was quickly observed by Chief Justice Hughes on his visit to the home of Taney.

"We see the desk, o'er which portentous pen
Paused o'er those weighty words fell on the
scroll.

The hand of Fate—not Taney's—seems to write.
The skies grow dark. We hear war's thunder
roll!

The law was plain—it held Dred Scott a slave.
And so he wrote it down, yet all the while
Mourned that this man and all in bondage held
He could not rescue from a law so vile."

At the age of eighty-four, Chief Justice Taney participated in the memorable scene at the Capitol on March 4, 1861, by administering to Abraham Lincoln the oath that he would "preserve, protect and defend the Constitution of the United States." The scene is depicted at the Taney home in an imposing oil painting, made by Henry Roben, an artist of Baltimore.

Although not in sympathy with all of the measures of Lincoln's Administration, Chief Justice Taney remained loyal to the Union. There was no sadder figure in Washington during the Civil War than that of Taney, not even excepting Lincoln. Said one of his contemporaries: "His form was bent by the weight of years, and his thin, nervous, and deeply-furrowed face was shaded by long, gray locks, and lighted by large, melancholy eyes that looked wearily out from under shaggy brows, which gave him a weird, wizard-like expression. He had outlived his epoch, and was shunned and hated by the men of the new time of storm and struggle for the principles of freedom and nationality."

But in spite of the maledictions of his enemies, Taney retained his serene philosophy of life. On receiving birthday congratula-

tions in 1864 from S. Teackle Wallis, of the Baltimore Bar, the desolate old man wrote the following reply. "When a man has arrived at the age of eighty-seven years, he will always find that he has outlived nearly all of the companions and friends of his early life; and it is then that he sensibly feels the assurances of regard from men whom he has known from their boyhood and who belong to another generation. He perhaps hopes that their approbation of his life and official conduct is evidence of the judgment which impartial and enlightened posterity will pass upon it. * * * The times are dark with evil omens, and seem to grow darker every day. At my time in life, I cannot expect to live long enough to see these evil days pass away; yet I will indulge the hope that you, who are so much younger, may live to see order and law once more return, and live long to enjoy their blessings."

Chief Justice Taney did not live to see the dawn of peace. Passing away in the fall of 1864, with the din of battle still resounding through the land, he has his wish fulfilled that his body be brought back to Frederick and laid to rest beside the grave of his mother.

His gold watch and fob, his silverware, his pictures and his books were divided among his daughters. The robe, which he had worn on the Bench of the Supreme Court of the United States, was carefully laid away by his daughter Elizabeth as an heirloom. I wonder whether Elizabeth, as she folded and packed away the somber garment, ever dreamed that the voices of denunciation would die away and that her father would receive the approbation of an "impartial and enlightened posterity." Soon after Taney's death Charles Sumner hurled his mighty defiance: "The name of Taney is to be hooted down the page of history. * * * He administered justice at last wickedly, and degraded the judiciary of the country, and degraded the age." But Elizabeth Taney Stevenson carefully preserved the judicial robe in loving memory of her father. After some years it was turned over to her niece, Amy Campbell, who guarded it just as carefully. About twenty years ago it was inherited by Mrs. Alexander R. Cheston, of Philadelphia. In 1934 it was acquired from Mrs. Cheston by the Taney Home at Frederick. Maryland thus proudly displays the robe of a great jurist, just as Virginia displays the robe of Chief Justice Marshall in the John Marshall home in Richmond.

During the past few years we have written many letters appealing for help in the work of preserving and maintaining the Taney Home. We have managed to save the home thus far without a

dollar of help from City, County, State or Nation. I want to take this means of thanking publicly the judges and lawyers who have been so generous to lend their aid. I also wish to extend our most sincere thanks to Governor Harry W. Nice for acting as President of the Roger Brooke Taney National Memorial Foundation and giving his endorsement to our work. I also want to thank Mr. Alexander Armstrong, Mr. George Washington Williams, General John Philip Hill, and all others who have offered to cooperate in trying to obtain help for our Foundation.

At the time Chief Justice Hughes described in Frederick the "softening of old asperities" in the attitude of the Nation toward Taney, there was unveiled a bust of Taney, the work of our own Maryland sculptor, Joseph Urner. I feel that the time has arrived when a bust from this cast ought to be included in the Hall of Fame in New York City, along with James Kent, John Marshall, Joseph Story and Rufus Choate. I also express the hope that the members of the Maryland Bar might sponsor a movement urging the election of Taney to the Hall of Fame.

This leads me to close with the final words of the poem, "The Voice of Taney," from which I have already quoted:

"O Bust of Taney! could those bronze lips speak,
What words profound would fall on listening
ears!

Profound. Ah, no! a child could understand:—
Each man his duty do, and cease his fears!
We all are mounting to a higher goal,
Are always climbing, though at times we fall,
The glory of our Nation can not fade!
'In God we trust!' His will is over all."

THE PRESIDENT: I speak the appreciation of the Association for the very interesting talk of Mr. Delaplaine about the intimacies of the private life of Chief Justice Taney. Our next speaker is going to speak more about Taney from the judicial or legal standpoint. I take great pleasure in presenting the Honorable Dean G. Acheson, former Under Secretary of the Treasury of the United States, whose name and fame are known to us all.