

IN MEMORIAM.

CHARLES H. DUPONT.

At a meeting of the bar of the Supreme Court on Saturday, January 19th, 1878, in the Supreme Court Room, Hon. George S. Hawkins was elected President and George P. Reney, Esq., Secretary.

On motion, the President appointed the following committee on resolutions: David S. Walker, Sr., of Tallahassee, R. C. Campbell, of Pensacola, and E. J. Vann, of Madison. The committee retired, and after a short recess, returned and George P. Reney, Esq., Secretary.

Resolved, That the bar of Florida has received with feelings of profound sorrow the announcement of the death of Hon. Charles Henry DuPont, which occurred at the residence of his son-in-law, Captain William B. Weston, in Quincy, Gadsden county, Florida, on October 14, 1877.

Resolved, That in the death of Judge DuPont, Florida has lost one of her most distinguished citizens. He was born in Beaufort District, South Carolina, on January 27th, 1805, graduated at Franklin College, Georgia, in 1826, and removed to Gadsden county, Florida, in 1827, since which time he has filled many high and responsible positions both in peace and in war, among them the positions of Associate Justice and afterwards Chief Justice of the Supreme Court of Florida.

Resolved, That in whatever position he was placed he rendered important services to his country, for which and for his virtues in private life his name deserves to be cherished with grateful and lasting remembrance by his fellow-citizens.

Resolved, That as a token of our affectionate regard for him as one of our brethren, and of our gratitude for his services to our profession and our State, we will wear crape on the left arm for thirty days.

Resolved, That the Supreme Court of this State now in session be requested to cause the proceedings of this meeting to be spread upon its minutes, and that a copy thereof be sent by the Secretary to the family of the deceased.

The resolutions were unanimously adopted, and the meeting adjourned. Upon the opening of the Supreme Court on the same day, Mr. David S. Walker, Sr., addressed the court as follows:

May it please the Court:

On Tuesday last this court, in compliance with its own will, and the unanimous wish of the bar, caused to be entered upon its minutes the following order, viz:

It is ordered that the special business for Saturday, January 19th, 1878, shall be the presentation of suitable resolutions on the death of Hon. C. H. DuPont, and an expression by the members of the court and bar of the esteem in which he was held, for his unblemished character, for his eminent services as a jurist, and for the ability, learning, dignity, and impar-

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tiality with which he for many years presided in this court, first as Associate and afterward as Chief-Justice."

The day appointed by your honors having now arrived, I rise at the request of my brethren of the bar to offer resolutions passed by them, and to give utterance in some measure to my own appreciation of the exalted character and services of the illustrious dead.

Charles H. DuPont was born in Beaufort District, in the State of South Carolina, on January 27th, 1805. He lost his father at an early age. His mother, judging from the jewel she gave the world in her son, must have been what the mother of the Gracchi would have been if she had enjoyed, like the mother of Judge DuPont, the chastening influences of the Christian religion. Judge DuPont, in his old age, often spoke of his mother in terms of the tenderest filial affection. Although she had been dead for many years her virtues were as fully impressed upon his heart, and her likeness as clearly photographed upon his memory, as though he had seen her but recently.

When he was about the age of ten years, his mother sent him to be educated in the State of Ohio, partly by working on a farm and partly by going to school. Whether laboring on a farm or going to school contributed most to the formation of the character of the man whose memory we are now assembled to honor, I will not undertake to say. When I reflect on the thousands of educated men whose hands have learned the art of "picking and stealing," simply because in youth they had not been taught the noble art and duty of earning a living by honest labor, I am disposed to think that the mother of Judge DuPont conferred upon her son quite as great a blessing when she caused him to be taught to labor on a farm with his own hands as when she caused him to be taught the knowledge of the school-room and college.

He was transferred from the farm and school in Ohio to Franklin College in the State of Georgia, where he graduated in the year 1826. His college life seems to have been a scene of perpetual sunshine. It was a theme on which he was never tired. He delighted to tell, till his last days, with the joy of youth sparkling in his eyes, the names of his classmates, how they stood in their class, and their respective virtues and talents; and when, in the recital, he came to the names of those who, like himself, had illustrated their family, or rendered services to their country, his face would glow with an emotion which told better than words could do how sincere was the joy of his heart, how exalted the pride of his soul. If they had been his own brothers he could not have rejoiced more in their success. I have often thought how wonderfully heaven blessed this man in enabling him to be so happy in witnessing the happiness of others.

Shortly after he graduated, to wit: in the year 1827, he came to Gadsden county, Florida, and purchased a plantation near Quincy, which he cultivated, and on which he lived, and at the same time he commenced the practice of the law. Strange to say he succeeded both as a planter and as a lawyer. The law, though a jealous mistress, not generally inter-

ating the attentions of her votaries to any but herself, seems in his case to have been so enamored of her favorite that she permitted him to engage in what pursuits he pleased, and yet granted him her favors. Doubtless the ardor of his devotions while at her shrine made amends for his occasional absences in the worship of others.

Being successful both at the law and in planting, he soon collected about him all the comforts and many of the luxuries of life. He built in the town of Quincy an elegant and capacious mansion, which was long the seat of refinement and the very home of hospitality—a hospitality so admirably dispensed that the guest forgot that he was receiving a favor, and felt sure that he was conferring one by partaking of it. Thinking of the hospitality of Judge DuPont in those early days, I am reminded of the description given by the poet Ossian of the hospitality of one of his heroes:

"The light of heaven was in the bosom of Cathmor; his towers rose on the banks of Arha; seven paths led to his halls; seven chiefs stood on the paths to call the strangers to the feast; but Cathmor dwelt in the wood to avoid the voice of praise."

The voice of his fellow-citizens, however, did not long permit our Cathmor to dwell in the wood of retirement. Soon it called him to be the judge of the county court of Gadsden, then to represent his county in the House of Representatives, and then in the Senate.

Returning to the enjoyments of private life, to the practice of his profession, and the cultivation of his plantation, his days seemed destined to float down the stream of time without a ripple.

But how little do we know what changes a day may bring about. How fallacious are the hopes of man. Amidst the domestic, professional, and social bliss which Judge DuPont was at this time enjoying, and expecting a long duration of, there came upon the still air, in the year 1836, the wild war-whoop of savage Indians, followed by the screams of women and children under the inflictions of the tomahawk and scalping-knife. The people cast around hurried glances in search of a man suitable to lead them to war. They soon found such a man in Charles H. DuPont; him they elected their General, and he led them to the field, teaching them on the march and in the camp to regard him as a tender father, but in the hour of battle as the fierce avenger of murdered women and children, and themselves as his instruments.

It is for the pen of the historian to tell how well he discharged his duties as a soldier.

He continued in the military service till the end of the war, and again returned to the walks of private life and the enjoyment of the large estate which he had now accumulated. But scarcely had he time to contemplate his fortune before securing debts, arising out of endorsements for friends and a banking institution with which he had been connected, swept the whole away and left him without a dollar. The accumulation of years had vanished in a day. From being a man of great wealth he was now penniless.

What should he do? Should he give himself up to despondency, and spend the balance of his life in making his friends miserable by telling them how miserable he was himself? Should he take to the bottle for consolation? Should he ask God to terminate his miserable existence? Not so, thought Judge DuPont. There were still enough happy people in the world to make him happy by looking at them. He was yet in the prime of life, and said to himself: "It is true I have lost one fortune, but enough of life and strength are left me to make another," and so without a word of repining he went to work and did make another even larger than the first.

Thus again, in the midst of domestic happiness and surrounded with all the comforts and luxuries which wealth can give, he was willing thus to spend the balance of his days. But his friends said to him, this must not be. You must go up higher. You must be one of the Associate-Justices of the Supreme Court of our State. You have shown us how to bear prosperity and adversity; you have shown us how to plant and how to practice law, how to preside as county judge, how to fight a savage foe, how to perform the duties of Representative and Senator, and now we want you to go into the Chief Temple of Justice and minister as High Priest at her sacred altars.

"He was not made of stone;
But flesh and blood like other men,
And subject to their kind entreaties."

So he accepted the office of Associate-Justice in 1834, and served until his term expired, and was then promoted in 1846 to the office of Chief-Justice of the Supreme Court of the State, which he continued to hold until two and a half years after the late civil war, when the reconstruction act of Congress remitted him once more to the sweets of private life.

The manner in which he discharged his duties as a member of this court is best shown by the Florida Reports, from volume six to volume twelve inclusive. From a perusal of his opinions in those volumes it will be seen that he was an able, honest, learned, studious and industrious judge, and those reports will be a noble monument to his memory, so long as men shall continue to revere the great principles of our judicial system. But his firmness, dignity, gentleness, blandness of manner, his noble bearing and courteous demeanor toward the other members of the court and the members of the bar, particularly the younger members, do not and cannot and do not appear in the reports, and will be forgotten when his contemporaries shall like himself have passed away.

When Judge DuPont retired from the office of Chief-Justice into private life, after the war, he had become an old man. His fortune which, as we have said, was ample, had now again vanished, and he was a poor man, for though he was still the owner of large bodies of land, yet, as his lands were not saleable and as he had no laborers with whom to cultivate them, they became a tax and a burden instead of a blessing. In addition to this, he owed some debts, which he could have paid without difficulty in previous years, but which now pressed upon him with the weight of a

mountain. But he did not repine and despond and die out of his difficulties as some have done. Far from it. He knew that his respectability did not depend on his possessions or on his position. He recognized the truths taught in the couplet—

"Honor and fame from no condition rise—
Act well your part, there all the honor lies."

He would have considered it a greater honor to be a good Justice of the Peace than a bad Chief-Justice of the Supreme Court. He would have considered it a greater honor to be an honest day-laborer than a dishonest President of the United States.

Nor was his happiness in the slightest degree interfered with by this change in his circumstances, for his happiness had always been derived, not from wealth or power, but from doing the very best he could in whatever situation Providence might please to place him, and in witnessing the happiness of others.

Under the influence of these teachings he maintained a resolute soul and a cheerful face. He sold his fine house in town to pay a debt, and removed to his plantation in the country where he commenced life in 1827, and there, at the age of seventy years, he engaged with his own hands in the cultivation of his crops with as much ardor and perseverance as he had displayed in his youth. Through the cold of winter and the heat of summer, day after day, week after week, month after month, and year after year, for eight long years, he was there seen bravely laboring with his axe, or hoe, or at the plow-handles.

But not for one hour during this protracted effort to secure the necessities of life for his family did he cease to think of the public welfare. He organized an agricultural society in his own county, and by his numerous writings and public addresses endeavored to rouse his countrymen from the lethargy in which the war had left them into renewed energy and prosperity, his daily example being even more eloquent than his words.

The agricultural society of this State owes it to itself to write a history of his efforts in its behalf.

At length, his political friends having gained ascendancy in the State, Judge DuPont once more heard the voice of his country calling him into her service. She desired him to accept the important mission of visiting the States of the great Northwest, of setting forth the advantages of his beloved Florida, and inviting immigrants to come and live within her borders. When this call was made upon him, Judge DuPont was suffering as none can suffer, except those who experience a similar calamity. He had just lost the wife of his youth, a most lovely and excellent lady, to whom he was very tenderly attached. He had been able to bear the loss of property, the loss of office, and the pressure of poverty and old age without a murmur, but this blow was too heavy for him. At first he did not respond to the call, but after an interval of some weeks, by the aid of his strong will, he rallied and signified his readiness to enter upon the duties assigned him.

I can well imagine that at this period he felt the sentiments, if he did not use the language, of Pindar:

"The days of my years begin to fail; I feel the weakness of my steps; my fathers bend from their clouds to receive their gray-haired son. Before I go hence one beam of fame shall rise; so shall my days end as my years begun, in honor; my life shall be one stream of light to benefit of other times; I will leave my fame behind me like the last beams of the sun when he hides his red head in the West."

He visited Tallahassee, the mere shadow of his former self, a noble spirit almost disembodied, to make preparations for his long journey, and these being completed he immediately commenced it.

His strong will and great hope of being useful to his State sustained him till he reached the city of Minneapolis, in the far Western State of Minnesota. There death laid its cold hand upon him, and we soon received a telegram from Col. Stevens and Dr. Fall, to whom the gratitude of Florida is forever due for their kindness to him, informing us of his extreme illness. A loving and beloved son hastened to him. He insisted on being brought immediately back to his dear Florida, and would listen to no suggestions of delay. He reached Quincy on October 12, 1877, thanked God that he had been permitted once more to see his home, his family and his friends, and on the next morning, a beautiful Sunday morning, at five minutes to seven o'clock, in the house of his son-in-law, Captain Wm. B. Malone, surrounded by his weeping children and friends, and lamented by all the people of his State, he calmly yielded up his noble spirit to the great God who gave it.

"To live with fame
The Gods allow to many, but to die
With equal luster, is a blessing heaven
Selects from all her choicest boons of fate,
And with a sparing hand on few bestows."

I must add that from his earliest manhood, through all the vicissitudes of his checkered life, as a lawyer, as a planter, as a statesman, as a judge, as a general, in poverty and in wealth, in prosperity and in adversity, he was an humble, ardent, devout, active and leading member of the Methodist Episcopal Church.

Semper paratus, the motto of his native State, he had adopted as his own, and when the final summons came it found him ready.

Having now contributed my leaf to the chaplet with which we are now to crown the memory of our lamented friend, I give way to others who will follow me, and who are more able than myself to speak of his services to his country and to delineate the strong points of his intellectual and moral character.

He has done the work of a good man—
Crown him, honor him, love him!
Weep over his tears of woe,
Sleep sweetest brow above him!

In conclusion, I have the honor to submit to the court the following tribute from the bar, to-wit: (Mr. Walker then read the preceding tributes.)

Mr. George S. Hawkins then spoke as follows:

May it please the Court, and Gentlemen of the Bar:

We meet here to-day to pay a sad but pleasing tribute to the memory of the late Hon. Charles H. DuPont.

He has ceased to live; his decease is but another illustration of the awful fate associated in the Magna Charta of our existence, that all must die; but we must remember that it is as natural to die as to live, and that nature, sooner or later, will enforce her inexorable decrees.

We meet not here to go through the formal ceremonial of pronouncing eulogies, replete with fulsome adulation, but we come, I believe, with one accord, one heart, one voice, to record a heartfelt testimonial of the worth, the merit, and the virtues of our departed brother. Such a testimonial, connected as it will be with the judicial records of the Supreme Court of our State, will long remain, and it may possibly become his most appropriate epitaph, his most suitable monument.

It was my good fortune to have formed the acquaintance of Judge DuPont many, very many years since. This acquaintance ripened into an intimacy and friendship which were never lessened or disturbed by any untoward event of the efflux of time; a circumstance unimportant in itself, further than it enables me to testify as to his high honor, his integrity, his moral and physical courage and bravery.

His patriotism, pure and unselfish, at the first outbreak of our Indian war, impelled him to take the field. He became distinguished as an efficient officer for his brilliant courage, his manly bearing and chivalry, and performed great and valuable service in behalf of his country.

It may be superfluous to speak of his judicial career that is inscribed on the records of our highest legal tribunal, but we know that he was able, laborious, painstaking judge; that his decisions were replete with an intellect of no common order, learning and research—decisions that will bear the test of time, of the ordeal of criticism.

His judicial integrity was never impugned—indeed no perfect was it that the very snows from heaven would have sullied the purity of his armine.

It was the custom of an ancient people on the death of a distinguished citizen, in lieu of that praise so often undeservedly lavished upon the dead, or that "flattery" that could not "soothe the dull, cold ear of death," to appoint an accuser, whose duty it was descend upon the faults, the vices, perhaps the crimes of the departed. The unblemished career and high character of Judge DuPont would afford such an accuser no theme for accusation, no basis for critical or malicious attack.

In his later years, adversity had thrown its sombre hue over his declining years, and he became the embodiment of the saying of a writer of antiquity, that a "virtuous man struggling with adversity is a sight worthy of the Gods."

We know that he became the recipient of an appointment which would no doubt have conferred great benefits upon our State. The duties incident to the office were too arduous for his strength, and his health became

seriously and alarmingly impaired; receiving, as he believed, a respite from that fell messenger, whose errand there was no gain-saying, he returned from a distant locality whither his duties had called him to go in the land of his adoption—a land that he loved so well.

It must have been a great solace to him in his last moments that he was surrounded by friends, and that he could surrender his last breath in the bosom of his family; to them a solace equally great by the ministrations that love and affection suggest on so sad and trying occasion, and by the reflection, that he would not be "by strangers honored, and by strangers mourned."

In his domestic relations Judge DuPont was irreproachable. I knew him only as a husband and a father—as to these he was a model for imitation; but Governor Walker has assured us that he was a most affectionate son, most scrupulously obeying that beautiful command enunciated in the Decalogue, by his ever honoring his father and his mother. Right well was the promise contained in the commandment fulfilled. He lived some years beyond the span of life allotted to man.

Judge DuPont was a pious and good man; a Christian in the true sense of the word. His piety was ever unobtrusive. Devoid of sectarian bitterness or bigotry, it threw a mild and softening influence over his strongly marked character; it taught him that charity without which religion is nothing; to love his fellow-man, charity in all things; it taught him to be lenient to the faults of others, and tolerant of the moral, religious or political opinions of those whose notions and ideas differed from his own.

Next to the foregoing trait of his character, his great and absorbing sentiment was his love of country. Whether in the field, in the halls of legislation, or on the bench, he was always the same. His actions in public life were guided by and the results of the purest and most disinterested patriotism and a strong pervading sense of duty to his fellow-countrymen and the public. No one ever suspected the rectitude of his intentions.

He will long be remembered by every true Floridian; his virtues, his lofty and elevated character cannot be forgotten; and even after death, they will throw forth and leave a lustre upon his memory, like the long train of light that follows the sunken sun.

Peace has its glories, its triumphs, as well as war. As before remarked, Judge DuPont fell a victim to a disease engendered by the severity of the labors incident to the duties of his appointment. By this, he became as much a martyr for the good, the benefit and the prosperity of his State as though he had died on the battle field, amid flapping banners, the shouts of contending hosts and the roar of artillery. Well and appropriately may be applied to him the somewhat trite lines of the Roman poet—

*Dulce et decorum est pro patria mori,
Et mortuus dulces, remissioris Argos.*

Mr. R. C. Campbell then paid an eloquent and appropriate tribute, which has not been obtained for publication.

Chief Justice Randall then said:—

"I had a limited personal acquaintance with the late Chief Justice DuPont.

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but brief as it was, I was impressed with the air of candor, probity, christian modesty and simplicity which forced itself upon the consciousness of every one with whom he held intercourse. Every feature of his character, which has been so well remarked upon by members of the bar, seem but to be reproduced as we remember the cheerfulness which beamed from his kindly face on greeting an acquaintance, and the courtly dignity and heartiness which graced his bearing marked and distinguished him as a gentleman of the olden time.

The poet has said:—

"We may make our lives sublime,
And, departing, leave behind us
Footprints in the sands of time!"

Our lamented predecessor not only made his life sublime, but left the stamp of his character, his intellectual qualities and his learning, inscribed upon a monument more enduring than the "sands of time," in the hearts of his fellow-men, in the pages of the jurisprudence of this, his adopted commonwealth, and in the practical discourses and valuable contributions to the agricultural and domestic literature of the time, which were so frequently welcomed from his busy pen.

This much, and more, is due from me as a testimonial of his worth. I acknowledge that I have always consulted his opinions with a respect that was entirely spontaneous, and due to the intrinsic force of the logic and the patent integrity impressed in every line.

The court entirely concurs in the sentiments of the resolutions presented, and it is ordered that they be recorded, together with the proceedings of the meeting of the bar, in the minutes of the court.

The court then adjourned.