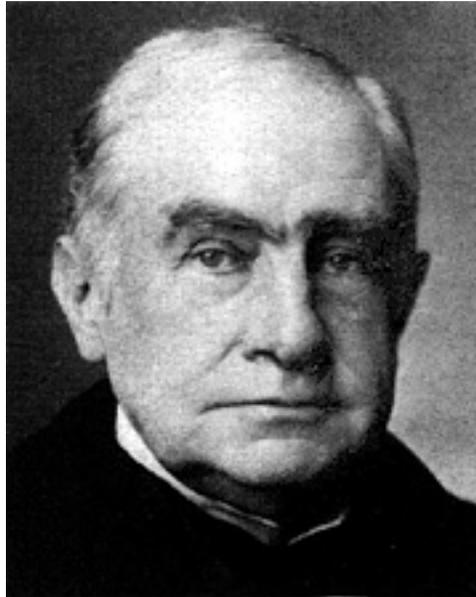


**Ahnentafel between
Henry Billings Brown (2260) and Edward Brown (2209)**



--- 1st Generation ---

1. Henry Billings¹ Brown (2260) (*Richard Anson Wheeler, History of the Town of Stonington, County of New London, Connecticut, from Its First Settlement in 1649 to 1900 (1900; reprint Baltimore: Genealogical Pub. Co., 1977), Page 258; Norman R. Brown collection, hereinafter cited as History of the Town of Stonington.*) (*Ibid.*) (*Ibid.*) was born on 2 Mar 1836 at South Lee, Berkshire County, Massachusetts (*Ibid.*) (*Wikipedia, online http://en.wikipedia.org/wiki/henry_billings_brown, hereinafter cited as Wikipedia.*) (*Ibid.*) (*Spartacus Educational Website, online <http://www.spartacus.schoolnet.co.uk/USAbrownHB.htm>, hereinafter cited as Spartacus Educational Website.*) (*michaelariens.com website, online <http://www.michaelariens.com/ConLaw/justices/brown.htm>, hereinafter cited as michaelariens.com website.*).

Henry (2260) entered Yale at age 16 and graduated with an A.B. (Artium Baccalaureatus) degree in 1856 (*Henry B. Brown, Noted Jurist, Dies, The New York Times, 620 Eighth Avenue, New York, NY 10018, Sep 5, 1913, page 9, hereinafter cited as The New York Times.*) (*Wikipedia, online http://en.wikipedia.org/wiki/henry_billings_brown.*) He was admitted to

the Bar in 1860 (*The New York Times, Sep 5, 1913, page 9.*) (*Times Journal, Division Street, News Corp., Cobleskill, Schoharie County, New York. hereinafter cited as Times Journal.*).

Henry (2260) was appointed as Deputy United States Attorney for the County of Wayne, State of Michigan, in 1861 and, two years later, as Assistant United States Attorney where he served until 1868 (*The New York Times, Sep 5, 1913, page 9.*) (*Spartacus Educational Website, online <http://www.spartacus.schoolnet.co.uk/USAbrownHB.htm>.*).

Henry Billings Brown (2260) married Caroline Pitts (2262), daughter of Samuel Pitts (2263), on 13 Jul 1864 at Detroit, Wayne County, Michigan. In 1901 Caroline died whilst they were traveling in Italy (*Wheeler, History of the Town of Stonington, Page 258.*) (*Addenda to Memoir of Henry Billings Brown - Autobiography, by Charles A. Kent online http://www.supremecourthistory.org/04_library/subs_volumes/04_c04_a.html, hereinafter cited as Addenda to Memoir of Henry Billings Brown.*).

In the last of Aug 1864 Henry (2260) bought a substitute to take his place in the Union Army during the American Civil War and paid him \$850 (*ibid.*) (*Wikipedia, online http://en.wikipedia.org/wiki/henry_billings_brown.*).

In 1875 President Ulysses S. Grant appointed Henry (2260) as District Judge of the Eastern District of Michigan where he remained until his next judicial appointment (*The New York Times, Sep 5, 1913, page 9.*) (*Wikipedia, online http://en.wikipedia.org/wiki/henry_billings_brown.*) (*michaelariens.com website, online <http://www.michaelariens.com/ConLaw/justices/brown.htm>.*).

Aug 1876 Judge Brown published "Brown's Admiralty Reports," which is regarded by admiralty lawyers practicing on the Great Lakes as an excellent treatise. It contains but one of his opinions. The admiralty business greatly increased in Detroit after Justice Brown went on the Bench. It is said that it was second only to that of New York. He was very prompt in his decisions and was seldom reversed. He displayed a practical acquaintance with details of navigation and methods of business. His Court not only had the business which naturally belonged in Detroit, but also absorbed considerable from other ports. Cases were frequently brought from other places by consent in order to have the trial before him (*Addenda to Memoir of Henry Billings Brown, online http://www.supremecourthistory.org/04_library/subs_volumes/04_c04_a.html.*).

On 23 Dec 1890 Henry Billings Brown (2260) was appointed as the 52nd Associate Justice of the U.S. Supreme Court by President Benjamin Harrison and he commenced his service on the Court beginning Jan 05, 1891.

Justice Brown showed his interest in protecting property rights shortly after joining the Court. In Budd vs. New York, which upheld a broad use of the state's police power in regulating private property, Justice Brown joined the dissenting opinion of David Brewer, which asserted a much greater authority by the judiciary to condemn state regulation of property.

In 1905, in Lochner vs. New York, Justice Brown concurred in the holding that the maximum hour law for bakery employees was unconstitutional.

He did, however, support the federal income tax in Pollock vs. Farmers' Loan & Trust Company (1895).

Justice Brown may be best known for an opinion that is now reviled: he wrote the majority's opinion in Plessy vs. Ferguson, which permitted states to segregate train accommodations, as long as they were "separate but equal." This permitted southern states to implement "Jim Crow" laws, which subjected black Americans to second-class status based on the fiction of separate but equal, which lasted in law until the Court's 1954 decision in Brown vs. Board of Education (*Ibid.*) (*Wikipedia, online [http://en.wikipedia.org/wiki/henry_billings_brown.](http://en.wikipedia.org/wiki/henry_billings_brown)*) (*michaelariens.com website, online [http://www.michaelariens.com/ConLaw/justices/brown.htm.](http://www.michaelariens.com/ConLaw/justices/brown.htm)*).

Justice Brown retired on 28 May 1906. On his retirement, the Bar of the Supreme Court resident in the District of Columbia gave him a public dinner at which were present President Theodore Roosevelt and Vice-President Charles Fairbanks, many judges of the Supreme Court, cabinet officers and others of public distinction. President Roosevelt made a complimentary speech, to which Justice Brown responded in a carefully prepared and able address. He evidently enjoyed the occasion very much. The addresses and letters of regret were published in a pamphlet beautifully framed and bound (*Addenda to Memoir of Henry Billings Brown, online [http://www.supremecourthistory.org/04_library/subs_volumes/04_c04_a.html.](http://www.supremecourthistory.org/04_library/subs_volumes/04_c04_a.html)*) (*Wikipedia, online [http://en.wikipedia.org/wiki/henry_billings_brown.](http://en.wikipedia.org/wiki/henry_billings_brown)*) (*michaelariens.com website, online [http://www.michaelariens.com/ConLaw/justices/brown.htm.](http://www.michaelariens.com/ConLaw/justices/brown.htm)*).

In 1904 Justice Brown married Mrs. Josephine Tyler (2264), who was the widow of his cousin, Frederick Halsey Tyler, a young naval officer who died early. After his death, Mrs. Tyler lived much with the Browns, and both were very fond of her. The marriage was a very fortunate one. They lived with the same harmony which had characterized Justice Brown's first

marriage. After their marriage, the second Mrs. Brown never separated from her husband. Being much younger and in better health, she waited assiduously on his every want. As his eyes failed she read to him. The portrait of the first Mrs. Brown was the most conspicuous object in the family parlour. Justice Brown once confided in his friend, Mr. Kent, that he never had a quarrel with either of his wives (*Addenda to Memoir of Henry Billings Brown, online* http://www.supremecourthistory.org/04_library/subs_volumes/04_c04_a.html).

Justice Brown was a member of the Society of the Cincinnati and was a delegate at their triennial meeting April 8, 9 and 10, 1908 at Charlestown, Chester County, Pennsylvania (*ibid.*).

Justice Henry Billings Brown (2260) died on 4 Sep 1913 at about noon, without suffering, at the Hotel Gramatan, Bronxville, Westchester County, New York, at age 77. During his last sickness of about two weeks, though realizing perfectly his condition, he was bright and cheerful and very patient. He knew everyone up to midnight of the 3rd. That day he thanked his doctor and nurse and bade them goodbye (*Wikipedia, online* http://en.wikipedia.org/wiki/henry_billings_brown.) (*Addenda to Memoir of Henry Billings Brown, online* http://www.supremecourthistory.org/04_library/subs_volumes/04_c04_a.html.) (*Spartacus Educational Website, online* <http://www.spartacus.schoolnet.co.uk/USAbrownHB.htm>.) (*michaelariens.com website, online* <http://www.michaelariens.com/ConLaw/justices/brown.htm>).

Justice Henry Billings Brown (2260) was buried at Elmwood Cemetery, Detroit, Wayne County, Michigan, by the side of his first wife, Caroline (*Addenda to Memoir of Henry Billings Brown, online* http://www.supremecourthistory.org/04_library/subs_volumes/04_c04_a.html).

Justice Brown left diaries written from his college days until his appointment as a federal judge in 1875. They can be found in the Burton Historical Collection of the Detroit Public Library. His diaries suggest that Brown was personally likable (but ambitious), depressed and often full of doubt about himself (*Wikipedia, online* http://en.wikipedia.org/wiki/henry_billings_brown).

The following obituary appeared in The New York Times on 5 Sep 1913 :

Henry B. Brown, Noted Jurist, Dies

Ex-Associate Justice of United States Supreme Court Succumbs to Heart Disease

His Famous Decisions Include Constitutionality of Income Tax and

Control of Philippines -- Admiralty Law Authority

Ex-Associate Justice Henry B. Brown of the Supreme Court of the United States died yesterday at noon at the Hotel Gramatan, Bronxville. Though he had been failing physically for the last year or two, he was not taken seriously ill until two weeks ago, and he retained his mental faculties unimpaired until the last.

Mrs. Brown was with him at the hotel when he was seized with heart disease, and she called in Dr. H. R. Charlton of Bronxville. Dr. Even Evans of this city was also summoned in consultation, but it was seen that nothing could be done for the aged jurist. As the end drew near Mrs. Warren, wife of Senator Warren, came to the hotel and was present with Mrs. Brown when the Justice passed away. He was in his seventy-eighth year and will be buried in Detroit, Mich.

Henry Billings Brown, although his career until he ascended the Supreme Court Bench was associated with Detroit, was born at South Lee, Mass. on March 2, 1836. He entered Yale University and was graduated with the degree of A.B. in 1856. He became a resident of Detroit in 1859, and as soon as he returned home took up the study of law in the office of Walker & Russell. The rest of his legal education was obtained through attending lectures in the Yale and Harvard Law Schools.

Admitted to the Bar in 1860, he was appointed Deputy United States Marshal in 1861, and two years later Assistant United States Attorney for the County of Wayne. He held that office until 1868, when for a few months he was on the Circuit Court bench. However, he soon resigned and, entering a partnership with John S. Newberry and Ashley Pond, he went into private practice in Detroit. In politics a strong Republican, he received appointment by President Grant in 1875 as District Judge of the Eastern District of Michigan and remained in that office until he was appointed Associate Justice of the United States Supreme Court in 1890.

Justice Brown made a specialty of admiralty law, and not only compiled "Brown's Admiralty Reports," which are considered an authority in all parts of the country, but also lectured for several years on admiralty law at Michigan University. The many admiralty cases arising from shipping on the Great lakes gave him an opportunity to become familiar with the complicated problems of the branch of jurisprudence hardly less than those afforded by the Southern District of New York, and his elaborate and learned opinions published in The Federal Reporter were accepted as authoritative.

In the ordinary business of the court Justice Brown gained a reputation for the strictest impartiality and the greatest patience in going into the merits of a case. He was courteous to counsel and was noted

for his willingness to admit he had committed an error. He was remarkably free from pride of opinion.

Appointed to the Supreme Court Bench when he was 54, he served for sixteen years before he reached the age of 70, when he could retire on a pension. When he was appointed the Circuit Courts of Appeals had not been set up, and the work of the Supreme Court was exceedingly heavy. It took four years before a case could be heard and decided, and the Justices were forced to work under much pressure. Justice Brown took his full share of the work, and had to pass upon such important matters as the constitutionality of the income tax, the control of the Philippines, the Northern Securities case, and the peonage question.

His activity was the more remarkable as he was handicapped by a malady of the eye. It attacked him in 1900 and destroyed entirely the sight of his right eye. For a time it seemed as though he would lose the other also. From that time on he had to be careful how he used what sight he had left and he was forced to depend largely on the assistance of others in his judicial work.

A classmate of Senator Depew at Yale, Justice Brown, resented the sharp criticisms passed upon him in connection with the insurance scandals. Thus he argued that the comment of the efforts of Gen. Alger in 1803 to extemporize an army were absolutely merciless, and he considered that as the General had done his best he should have been treated with more consideration.

Justice Brown was twice married.; His first wife, Miss Caroline Pitts of Detroit, whom he married in 1864, died in 1901. Three years later he married Mrs. Josephine E. Tyler of Crosswicks, N.J., the widow of Lieut. Frederick H. Tyler, U.S.N., and niece of Admiral Earl English. She had been a great friend of the first Mrs. Brown (*The New York Times, Sep 5, 1913, page 9.*).

Memoir for Biographical Sketch of Henry Billings Brown

Late Justice of the Supreme Court of the United States (1890 - 1906)

I was born of a New England Puritan family in which there had been no admixture of alien blood for two hundred and fifty years. Though Puritans, my ancestors were neither bigoted nor intolerant -- upon the contrary some were unusually liberal.

The earliest known member of the family, Edward Brown, emigrated to New England soon after the landing of the Pilgrims, settled in Ipswich, Essex County, Massachusetts, and owned a tract of land there as early as

1640. His grandson, John Brown, in the later years of the seventeenth century moved to the North Society of Preston, Connecticut, now known as Griswold, where some of his descendants have since resided.

My maternal ancestor, most remote, Job Tyler, settled in Andover, not far from Ipswich, and from him are descended a large family of that name who are scattered through New England. His grandson, Hopestill Tyler, also moved to Preston, Connecticut, in 1704. The reason assigned for his removal was the trial of his wife and daughters for witchcraft. Although they were acquitted, they became disgusted with the ecclesiastical rule in Massachusetts, and joined a somewhat general movement in more congenial surroundings in Connecticut. Hopestill left a large family of children, from whom are descended Gen. John Tyler and his nephew, Lieut.-Col. Samuel Tyler, my great grandfather, of Revolutionary repute, Prof. Moses Coit Tyler, of Cornell University, and Mrs.; Roosevelt, wife of the President.

The Browns and Tylers were connected by neighbourhood, political and religious sympathies, and by intermarriage Lieut.-Col. Samuel Tyler married my father's aunt. Judith Brown, and their granddaughter subsequently married my father, Billings Brown, who after a time removed to South Lee, Massachusetts, where I was born March 2, 1836. My father, though not an educated, was a most intelligent man, and a great reader of history and biography, with occasional incursions into the domain of poetry and romance. Like many of his generation he was a great admirer of Burns. My mother was a woman of great strength of character and pronounced religious convictions. For a country girl, she had been well educated in the conventional accomplishments of the day and was quite an adept at painting and drawing. She was fond of literature, read good books and wrote with much facility. She was strict in the performance of her religious duties, insistent upon her sons' attendance upon church, and was, in short, a typical Puritan mother.

Keeping a diary as she did during the early years of my life, she remarks on the second anniversary of my birth (March 2, 1838): "Henry knows all the letters in the alphabet, large and small. He has not learned them by rote, but the capitals mostly from newspapers by spreading them upon the floor and pointing to the letters and looking to us for the names; for when he commenced, when was in January, he could speak but few of them, he now sounds all, though some in a broken manner. The small letters he learned by their being pasted upon a thin, white cloth promiscuously; these he had learned in less time than the capitals, and what is singular has no tendency to the common perplexity in distinguishing the little `b' from `d' or `p' from `q.' Books are his source of amusement."

Upon the fifth anniversary she says: "He has made good proficiency the past year for his advantages. He has not been to school and has nothing to

stimulate him but his inclinations. We find it necessary to divert his mind from his books on account of his eyes failing him. I have thoughtlessly indulged him in reading evenings the winter past, but seldom as long as he wished, yet I now see my error and lament it exceedingly." An inflammation of the eyelids, thus produced, his pursued me through life, resulting in the complete loss of the sight of one eye, the partial loss of the other, and a threat of total blindness constantly hovering over me.

South Lee was a small manufacturing village, and among my earliest recollections is that of sitting in a forge, watching the sparks fly from the trip hammer and marvelling why water as used to stimulate instead of extinguishing fires. I was also fond of watching the various processes in the manufacture of paper, which was largely carried on in the village. I had a natural fondness of machinery and was never so happy as when allowed to "assist" at the sawing of logs and shingles and the grinding of grain in my father's mills. Indeed it is not at all improbable that I should have succeeded him in his business, had he not decided in 1845 to sell his entire plant and move to Stockbridge -- the adjoining town. Up to this time I had attended only a district common school in which, however, I was not too young to overlook the fact that I was rather popular with my teachers, since when the "ruler" was passed along for a general application, I was given the fewest and lightest strokes of any member of the class. But when I went home I used to think that my father took a grim satisfaction in atoning for any delinquencies of the schoolmaster in this particular, and thus restoring the equilibrium. But I was naturally obedient, and when my father said to me one day, "My boy, I want you to become a lawyer," I felt that my fate was settled, and had no more idea of questioning it than I should have had in impeaching a decree of Divine Providence. It certainly was not a bad idea in my case, as it settled the doubts which boys usually have regarding their future. It also had an important effect in directing my studies. In the same conversation, speaking of a certain man, said to be rich, I asked him how much a man must be worth to be rich. He said that much depended upon the locality and surroundings, but that in the country portions of New England he had always considered a man to be rich who was worth \$20,000. This was certainly a modest estimate, but when we consider that this amount invested at the then current rate of six per cent. yielded an income of \$1200, and that not one man in a hundred then spent more than \$1000 per year for his family expenses, it will be seen that my father spoke well within the truth, although in the sixty-five years that have since elapsed, a man in the Berkshire Hills was an income of \$20,000 is not considered to be very rich.

Upon our removal to Stockbridge in 1845, I was entered as a scholar at the Academy and began the study of Latin, which I have always thought and still think, should be the foundation of the intellectual equipment of every educated man. I soon discovered that my strength, as well as my

inclination, lay in the direction of languages rather than of mathematics. The school was an excellent one, and I was quick to perceive that the pupils were of a class much superior to the factory children I had met in the District School at South Lee. Stockbridge was then as now one of the most beautiful of New England villages, and the centre of much literary and civic activity. Its leading families -- the Sedgwicks, the Dwights, the Fields, and the Goodriches -- were among the first in the Commonwealth, the many of their younger members have since rise to high rank in the National Judiciary and Politics. While the village had lost the little commercial importance it had possessed in the earlier years of the century, even yet evident in a row of dilapidated shops and a newspaper office, it had fully replaced them by beautiful houses, stately rows of elms, and wide, well kept streets. It was then considered a gem of the Berkshire Hills, although within the past fifty years other villages, notably Lenox, have risen in a position, where they may justly claim to be candidates for the same title.

The only drawback to the pleasure of living in the Berkshire Hills is, the winter's snow begins to fall in November, and sleighing sometimes continues as late as April. For three months in the year the roads, and sometimes the fences are invisible, and occasionally the houses and outbuildings are buried beneath drifts of snow. We occupied a house in the centre of the village, subsequently tenanted by Mr. Choate, and I saw nothing to indicate that we were not to treat Stockbridge as a permanent home, until the word was passed around that we were to return to Connecticut. Whether this was due to the harshness of the climate or to a restlessness more natura to a Western pioneer than a New England country gentlemen, which always characterised my father's actions, I never knew; but it was suddenly announced that he had bought a new home in the little village of Ellington, Tolland County, Connecticut, to which we removed in the spring of 1849.

Ellington was a pleasant and rather picturesque village, upon the edge of the Connecticut River Valley. Its streets were wide, and through the enterprise and foresight of one of its earlier citizens, had been planted with rows of graceful elms. It had the usual equipment of a country village -- a church, a tavern, and post-office, a "store," a "squire," a doctor, and a dentist -- and was not altogether free from the rival factions so common in such communities, where each side "spake fair" to the other, but with somewhat of a rancour and bitterness in their hearts. A daily stage was the sole means of communication with the outer world, and its arrival was always looked for with interest by a group of eager bystanders. Life was peaceful, but not exciting. As there were no manufactories, there was no smoke; as automobiles had not been invented, there was little dust, and never a foul smell; and as there was no commerce, there was not the rumbling of carts and heavy wagons. The principal amusements were an annual donation party, a decennial "revival," a winter sleigh ride, and an

occasional "small and early" evening party. No disturbance was ever heard in its streets and the travelling circuses thought it beneath their notice. A photograph car sopped there once in a great while, but never to remain more than a few days. In short, if one could "put away" all ambition and be content with the simplest of lives, Ellington was an ideal residence. Notwithstanding its drawbacks to an active minded man, I liked it and still admire its quiet beauty, thought I might not have been satisfied to spend my life there. When I left, it was with the determination to become a country squire which was filled the measure of my ambition. The introductions of a railway and also a trolley line has done but little to change the appearance of the village beyond putting it in closer connection with the metropolis of that region -- the City of Hartford.

The High School of the village, which had once been famous and given character to the whole county, had degenerated so much that I was sent to the Academy of Monson, Massachusetts, of which Rev. Chas. Hammond was then the principal. Of all the teachers was whom I had then come to contact, Mr. Hammond was easily the first. In addition to being an eloquent and appreciative instructor, he had the happy faculty of winning the affection of his scholars, and completely forestalling the natural antagonism between teacher and taught, which is frequently the source of irritation between them. The school of Monson had not the reputation of the much larger schools at Easthampton or Andover, but I doubt much if it were not their equal in management and course of instruction. I continued my preparatory studies here for two years, and in the autumn of 1852 entered Yale College as a member of the class of 1856.

Yale was very different then from what it is at present. In 1852 it was a comparatively small college of less than seven hundred students in all its departments. It is now a university with over seven thousand. But two buildings then standing still remain -- South Middle, preserved as a relic of the old Brick Row, and the Library, the first of the new buildings and the pride of the College. All the rest have been demolished to make room for a handsome stone quadrangle. But even the buildings, though meagre, did not compare unfavourably with those of Harvard and Princeton, Yale's principal competitors. There were few very rich people in the country, and money was hard to raise for educational enterprises.

Though not badly prepared, I made a mistake in entering at sixteen -- two years younger than the average of the class. Two years is a short time in the life of a man, but as between two boys in their teens of equal natural ability, the younger is handicapped by his age. I did not have the rooms or companionship I aspired to, and for the first two years I felt that I was not doing myself justice. At the end of my Sophomore year I resolved upon a reform, took new rooms in the Brick Row, changed my boarding place and became associated with a different class of men. I had

some prejudices to overcome, but I finally succeeded in graduating, not with a high, but with a highly respectable standing. The class of 1856 was not rated above the average in college, but since graduation many of my classmates have risen to positions of eminence, and raised the general standing of the class to an equality with any which graduated in that decade, except the famous class of 1853, to which we all make respectful obeisance. Among the more distinguished were Mr. Justice Brewer of the Supreme Court of the United States, Senator Depew of New York, easily the leading man of his class while in College, Chief Justice Magruder of the Supreme Court of Illinois, Prof. Lewis R. Packard of Yale, Prof. Levi L. Paine of Bangor Theological Seminary, John Mason Brown of Kentucky, and Dr. Wolcott Calkins.

As I recall the four years I spent at Yale and revisit now the same scenes, I seem to have passed from mediaevalism to modern life. The rooms, though not particularly uncomfortable, were shabby and received but slight attention from the "professor of Dust and Ashes." All the accessible parts of the woodwork has been profusely illustrated by the pocket knives of former generations. The sanitary arrangements, if such they can be called, were primitive to the last degree. The hours of work were equally so. In winter we rose before dawn, attended morning prayers and a recitation by gaslight, then just introduced into the public rooms, but not into the dormitories, and sat down to breakfast about sunrise. A daily walk to the post office was all the exercise we could afford except on Wednesday and Saturday afternoons. Attendance at chapel twice a day on Sunday was compulsory. There were no athletics except an occasional (yearly) football game between Sophomores and Freshmen, a boat club and an annual regatta with Harvard instituted and rowed at Springfield or Worcester. The frolics of those days -- the sadly misnamed "statements of Facts" to the entering class, the Burial of Euclid, Biennial Jubilee, Wooden Spoon Exhibition, etc. -- have, I believe, passed into oblivion, and given place to an elaborate system of athletics which goes far toward fixing the standard of popularity of modern university. Whether the wide expansion of the optional studies and the prominence given to athletic development adds or detracts from the value of the University as an educational institution, is a problem which can only be solved by the actual experience of those who have had occasion to compare the working of the new systems with the results of the old. It is not to be wondered at the graduates under the former regime of prescribed studies, with little opportunity for choice, should look with some distrust upon a theory which almost presupposes that a boy had already chosen his profession when he enters college and selects his course of studies with reference to that.

After graduation, my father, who was most kind and indulgent, albeit somewhat hot tempered, offered me a year in Europe. It is needless to say that I eagerly seized upon this opportunity, then comparatively rare, of

seeing something of the older world. The result justified my expectations, and I have always regarded that year (from November, 1856, to November, 1857) as the most valuable of my life from an educational point of view. Indeed a year of actual observation is a most befitting supplement to four years of study. Taken at just this time, it has a strong tendency to correct any false impressions, born of national pride or patriotism, to expand our political and religious views, and to teach the lessons so hard to learn at home, that while we have accomplished much in the direction of a higher civilisation, we have still much to learn.

A long voyage of twenty-two days in a sailing vessel afforded a convenient occasion for certain preparatory work in brushing up a most imperfect knowledge of French and German, and in familiarising myself with the countries I was about to visit. At that time nine-tenths of the passenger traffic with Europe was already carried on by steamships, although one or two of the old Packet lines still struggled for a feeble existence and soon succumbed. If the accommodations were rude, and the fare plain, there was some compensation in the opportunity it gave for study and acquaintance with sea life. Being the only passenger, no attempt was made to conceal or disguise its hardships and brutalities. The seamen were the most ignorant and degraded foreigners -- the very scum of European and American ports. Their treatment seemed to be intended to accord with their rank. They were fed upon the coarsest of food, and beaten without mercy even to the shedding of blood, for the slightest dereliction from what the officers conceived to be their duty. I had heard that seamen in the merchant marine were treated with great harshness, but never till actual experience had I grasped the extent of its brutality. I had never heard of anything of the kind upon passenger steamships, not indeed in recent years upon sailing vessels, except upon the oyster boats of Chesapeake Bay. Much of this improvement is due to the advancing civilisation of the age, and to the efforts of societies for the protection of seamen and the amelioration of their condition.

If within the past fifty years America has made marvelous progress in a material sense, the changes in Europe have been scarcely less noticeable. In 1856 Great Britain, Holland, Belgium, Germany and Switzerland were already well supplied by railways, while France had only a few lines, and Italy and Spain practically none at all. The hotels were small, with the exception of the Hotel du Louvre in Paris, then just completed, and not to be compared in size with the leading hostelries in New York, though far exceeding them in comfort and in the quality of their food. But it is to American initiative, and the demands of American tourists, they owe their "modern conveniences," the use of ice, of lifts or elevators, then unknown, electric lighting, furnace heating, and best of all, the private bathroom. But America is fast losing the supremacy she once possessed, and the fact that the expense of living at a European inn is scarcely more than half

that at an American hotel of corresponding class, is quite sufficient to account for the enormous annual rush to Europe as the pleasantest and cheapest place to spend the summer.

The political changes during the past half century are the most noticeable of all. France, then an empire under the last of the Bonapartes, is now a prosperous republic, though paying for the transformation by the loss of two of her richest provinces. The German Empire than did not exist. Italy was divided into nearly a dozen different states, independent, but generally despotic and without the pretence of a representative body.

Each seemed to vie with the others in repressing all attempts at popular government. Many, if not most of them, raised a large portion of their revenue from State Lotteries. Even the Church, then in the active exercise of its temporal power, not only tolerated, but also fostered them. Lombardy and Venice were both provinces of Austria. Charles Albert, King of Sardinia, the most enlightened of Italian Sates, had made an effort to expel them in 1848, but was decisively defeated at the Battle of Navaro.

Rome, in its outward appearance, had been practically unchanged for three hundred years. Few new houses had been built, but little excavation of the ruins had been made, and it still continued a thoroughly mediaeval city. Its population had since doubled and new quarters have arisen among the finest in Europe. Utterly unable to cope with the raising tide of popular sentiment, the government could only maintain its authority by the aid of a French garrison in Rome and an Austrian garrison in Bologna. When these were withdrawn in consequence of the war between France and Austria, the people rose and made short work of Bourbon and Papal domination.

Naples, though beautiful in its surroundings, was not an especially attractive city. Its government enjoyed the distinction of being one of the worst in Europe. It was strongly fortified, but I could not but notice that its guns were all pointed inward -- against the city, as if to sweep the streets, in case of an insurrection, and not outward to repel an invader. King Ferdinand, the so-called Bomba, was supported by an army of ignorant peasants, and by the "lazzaroni" who were then quite a political power. They were permitted to lie half-naked about the streets, exhibiting publicly their deformities as an appeal to the sympathies of the passers-by. The filth of the city was beyond the decencies of description -- degradation of the common people beyond anything I have ever seen. It was but a few years after this that Garibaldi, with a small force, invaded the Kingdom of the Two Sicilies, defeated its army, put the King to flight and united it to the Kingdom of Italy. While in the moral character of its inhabitants there is much to be desired, Naples itself is clean, orderly and apparently well governed.

These travels, which included practically all of Western Europe, except Spain, occupied an entire year and really constituted a post-graduate course of the greatest value. In November, 1857, I returned home, this time in a steamship, and at once betook myself to the Squire's office in Ellington, and plunged into that most fascinating of law books -- "Blackstone's Commentaries." I shall not enter into the details of my life there. I studied faithfully and mingled somewhat in the simple social life of the village. But as at that time there was a general revival in progress, in which I took no active part, I fear my conduct did not elicit the approval of the ecclesiastical authorities, and that I was looked upon rather as a warning than an example. But my conscience was "void of offence," and I still see nothing to regret or apologise for.

In the following autumn I returned to New Haven, entered the Law School and remained until spring, when I went to Cambridge for a course of six months at Harvard Law School. This was really the pleasantest and most profitable experience of my student days. Having no compulsory duties, no chapel bell to waken me at unseemly hours, no monitors to note my absence, I felt freer to act upon my own convictions and impulses than I had ever done before. Though much inclined to do so, I did not finish the course, or take a degree, but in the autumn pitched upon Detroit as my future home, and after a little preliminary skirmishing, entered the office of Walker & Russell, to finish my studies and particularly to acquaint myself with the local practice. In the following spring I was appointed a Commissioner under a "dedimus potestatem" to take the testimony of a large number of witnesses residing in a dozen different counties in the State. As many of these were lawyers or court officials, I formed acquaintances which were afterwards of real value. Returning to Detroit, I was admitted to the Bar in July, 1860. Detroit at that time contained several lawyers of eminent ability, whose presence would have dignified any court in the country. Such men as Jacob M. Howard, subsequently United States Senator, Halmer H. Emmons, afterwards Circuit Judge of the United States, Geo. V. N. Lothrop, Minister to Russia under the Cleveland administration, and Ashley Pond, one of the keenest legal intellects I ever met, were worthy of comparison with any with whom I subsequently came in contact in Washington.

In the autumn I took a modest office which I shared with Bela Hubbard, a valued friend and eminent citizen, and devoted myself less to the practice of law, which was meagre enough, than to familiarising myself with the Michigan Reports, of which there were then only a dozen volumes. Upon the incoming of the Lincoln administration the following spring, I was appointed by Colonel Dickey, the new Marshall of the district and a friend of the family, his office deputy. This was out of the line of professional advancement, but I had no hesitation in accepting it, as it not only gave me an immediate income, but also brought me into connection with vessel men of all classes, who naturally gravitate toward the Marshal's office

whenever any question arises as to "tying up" a vessel to secure a claim. Not long thereafter I was appointed assistant to the District Attorney, Mr. Alfred Russell, an elegant and courtly gentleman, with whom my relations were of the pleasantest description. I not only attended to a large criminal business arising out of the war, by examining witnesses before the committing magistrate, but also prepared all the indictments, attended the sessions of the grand jury, and tried them frequently in court, during the occasional prolonged absence of Mr. Russell. This was really the beginning of my professional activity, and by the expiration of the District Attorney's official term I had built up a practice, principally in the admiralty branch, which justified my taking an office to myself.

I continued to practice with a growing success until July, 1868, when I was appointed by Governor Crapo to a temporary vacancy upon the bench of the Wayne Circuit Court, then constituted of a single judge. But my incumbency was of short duration. As a presidential election was then impending, and Wayne County was strongly Democratic, I was decisively beaten at the November election, though I ran considerably ahead of my ticket. But short as my experience was, it gave me a taste for judicial life which had much to do in fixing my permanent career. Having been given by the people to understand they wanted no more of my services on the bench. I returned to practice and was soon afterwards invited to become a partner of John S. Newberry and Ashley Pond -- virtually to take the place of Mr. Newberry, who was then the leading admiralty lawyer of the place, and also largely interested in manufacturing -- to the latter of which he desired to give his entire attention. I remained with the firm, and subsequently with Mr. Pond alone, for seven years, when upon the sudden death of Judge Longyear, I was appointed by President Grant District Judge for the Eastern District of Michigan. I was glad to take refuge in the comparative repose of the bench, although it involved the loss of two-thirds of my professional income. Since I felt my health was giving way under the uncongenial strifes of the Bar, and the constant fear lest by some mistake of my own the interests of my clients might be sacrificed, I felt quite content to exchange a position where one's main ambition is to win, for one where one's sole ambition is to do justice. The difference in the nervous strain involved gave me an incalculable relief. For the first two years it was a struggle between life and death, but thanks to a good constitution, prudent living and plenty of horseback exercise, my natural vitality triumphed and for twenty-five years thereafter my health continued to improve.

Some of the pleasantest experiences of my district judgeship were connected with sessions of the circuit court held in other States, upon the assignment of Judge Emmons, who preferred to stay at home in Detroit, while I was only too glad of the opportunity of becoming acquainted with the laws and lawyers of neighbouring jurisdictions. The first winter after my

appointment I was assigned to hold a term of the circuit court in Memphis, where I remained two months. Although it was then less than eleven years since the termination of the Civil War, and the passions that it had aroused were by no means extinct, my wife and I were received with a cordiality which not only disarmed all criticism, but captivated us by its apparent genuineness. Though I was conscious of the fact that the political sympathies of the people must have been with the South, no intimation of that kind was ever made to me. Indeed we found ourselves the favoured recipients of the most refined hospitality. Dinners and receptions were given with prodigality, and our rooms at the hotel were constantly thronged by callers.

Learning that Jefferson Davis and his wife were then residents of Memphis, I expressed to my friend General Hume a wish to meet him. Occupying the position I did, I felt that I could not call upon him without exposing myself to unfriendly criticism at home, and as Mr. and Mrs. Davis made no first calls themselves, I did not see my way clear to an interview. General Hume, however, solved the problem by making his house a sort of neutral ground and inviting us all to dine with him. Of course we were only too glad to accept, and I am bound to say I never spent a more delightful evening. I found Mr. Davis a most courteous and agreeable gentleman of the best Southern type, without a suggestion of arrogance or hauteur. It was difficult for me to realise that ten years before he had been a prisoner of State, immured in one of the casemates of Fort Munroe awaiting a trial for high treason as the recognised head of a great rebellion. I then appreciated for the first time that an honourable, conscientious man, removed as far as possible from the criminal classes, may be guilty of treason -- a most flagitious crime when committed by an officer of the army or navy in time of war, but in civil life and in time of a general peace, often involving little more than a radical difference of political opinion. As in Mr. Davis' case, his action led to a great revolution in which half the States took sides against the government, it would have been a grave mistake to apply the legal canons of interpretation and put him upon trial like an ordinary malefactor.

Mrs. Davis was a handsome woman of refined and elegant manners, with a suggestion of imperiousness which seemed to be borne out by her reputation in Memphis. Their daughter, Winnie, then a beautiful young girl of fifteen, recited to us for our entertainment, an accomplishment much in vogue in the South, and carefully taught in their schools.

The fifteen and a half years I passed as district judge, though characterised by no event of special importance, were full of pleasurable satisfaction and were not overburdened by work. Indeed I found that I could easily dispose of the business in nine months of the year, and that there was always an opportunity for a summer's outing. There are doubtless higher

offices, but I know of none in the gift of the government which contributes so much to making life work the living as a district judgeship of the United States. My relations with the Bar were of the pleasantest description and were clouded by no event, and when the question of my promotion arose I seemed to have received practically the unanimous endorsement of the Bar and the Legislature.

At the time of my appointment Halmer H. Emmons of Detroit was filling the recently created office of circuit judge. His was one of the greatest minds I ever came into contact with, and he ought by his talents to have been one of the leading men of the country, but unfortunately he was considered too erratic to be popular as a politician. As counsel for the Grand Trunk Railway he had become familiar with the English and Canadian courts and had conceived a great admiration for their methods of despatching business. He disposed of many cases upon the opening statements or "offers to prove" of counsel; and if he submitted the case to the jury at all, it was under such clear instructions that they found but little difficulty in reaching a verdict. He was intolerant of any want of preparation or of any inability of counsel to state in their own language the facts of the case, or the exact legal questions involved. Counsel who had been accustomed to trying cases in their own way, and consuming all of the time they desired, were greatly surprised and shocked when confronted by a judge who insisted upon their trying them in his way, and consuming no more time than was necessary for the proper disposition of the case. He usually took sides with one counsel or the other very soon after the opening of the argument, which they took the form of a controversy between the Court and the Counsel against whom his intimation had been given. He was very patient in listening to counsel, but I noticed that he usually adhered to his original opinion, and left nothing to the counsel upon the other side but to stand by and listen to a judgment in his favour. It was natural that with his radical departure from the accepted methods of trying cases he should at first have been unpopular with those who had been brought up under the old school of judges, but in a few years the superiority in his mode of dealing with cases became so manifest that he was rapidly winning his way to appreciation as a great judge when death overtook him in the very prime of his judicial career. In person he was tall, spare and of commanding presence. No one could look into his keen black eyes, overhung by beetling brows, and observe his alertness and decisiveness of manner without being satisfied that he was in the presence of no ordinary man.

Judge Emmons was succeeded by John Baxter of Tennessee -- a judge of a very different type. He was certainly an able and upright man, absolutely fearless in the discharge of his duties, but sadly lacking in what is known as the judicial temperament. He was evidently endowed with great executive ability, and, with proper education, would have made a great general. He

was thoroughly cool and self-possessed, very mild in voice and manner, but when he announced his determination no argument could possibly shake it. His will was absolutely inflexible, though his opinions were sometimes given in an almost inaudible tone. His was clearly the case of a hand of steel clad in a glove of velvet. He cared even less for authorities than Judge Emmons. They might be stumbling blocks, but they were never insuperable. If they were in his way, his thoughts, if not his words, were "So much the worse for the authorities." He formed offhand impressions and frequently decided upon the strength of them without even listening to an argument. He differed from Judge Emmons in sometimes deciding cases without hearing the party against whom he was about to decide.

He was unpopular as a judge and was thought to be intolerably arbitrary, but it must be said to his credit that he had an intuitive knowledge of the law, was usually right and was rarely reversed. My own relations with him were pleasant, but with several of his colleagues they became much strained. His death was said to be owing to his wilfulness in disregarding the advice of his physician who had warned him against the course he insisted upon pursuing.

He was in turn succeeded by Howell E. Jackson of Tennessee -- an idea judge. If he lacked the brilliancy of Emmons, he was also free from his eccentricities. He had Baxter's instinctive sense of justice, but was always ready to listen to argument. While like most men of alert minds and quick conceptions, he formed his impressions as soon as the case was stated, he was always ready to be convinced, and his patience was rarely exhausted. He was one of the very few judges I have known whom I never heard criticised. Indeed his character was so well rounded out that it is impossible to lay hold of any one characteristic and say that he was specially distinguished for that above all other men. If he were conspicuous for anything it was for the completeness of his intellectual equipment.

During his occasional visits to Detroit, he usually made his home at my house, and I found him the most delightful of guests. He had a fund of droll anecdotes at his disposal, which he drew upon for our amusement and told in his peculiar Southern accent. I gathered from what he said that he had political enemies in his own State, but he never spoke of them with rancour or bitterness.

One day as we were returning from court, and just as we were turning into the house, he told me that he had been informed that Mr. Justice Matthews was fatally ill, and that in case of his death he proposed to go to Washington, see President Harrison, a former colleague of his in the Senate, and persuade him to appoint me to fill the vacancy. As my aspirations had never mounted to the Supreme Bench, and I had never dreamed

of it as a possibility, I was naturally surprised, especially in view of the fact that the offer came from one who was my superior in rank and that my appointment involved a promotion over his head. It was, however, a characteristic exhibition of his own unselfishness. He made his promise good, went to Washington in my behalf, and ultimately obtained my appointment, although my classmate, Mr. Justice Brewer, was chosen to fill the first vacancy. My own appointment came a year later upon the death of Mr. Justice Miller. I may say in this connection that both Justice Brewer and myself declined to be considered competitors against each other, and that for the succeeding sixteen years our relations were intimate, and that no cloud ever arose between us. It only remains to add upon the occurrence of the next vacancy, by the death of Mr. Justice Lamar, I was instrumental in inducing President Harrison to appoint Mr. Justice Jackson in his place. This was the culmination of a friendship which continued without interruption until his death.

My appointment to the Supreme Bench necessitated my removal to Washington and the severance of family and social relations which had been the growth of thirty years. While I had been much attached to Detroit and its people, there was much to compensate me in my new sphere of activity. If the duties of the new office were not so congenial to my taste as those of district judge, it was a position of far more dignity, was better paid and was infinitely more gratifying to one's ambition.

Besides, the social attraction of the capital of a great country cannot fail to be superior to those of a purely commercial city, however large and prosperous it may be. The constantly changing character of its population, many of whom are sent there for periods of from two to twelve years, to be replaced by others equally agreeable, and the increasing influx of new people, who have made their fortunes elsewhere and remove to Washington to enjoy their later years, is sufficient of itself to make it the social, as it has been for more than a century the political, centre of the nation. There is an additional attraction in the diplomatic corps, which contains representatives of the most refined society of all the leading countries of the world.

My colleagues upon the Supreme Bench were all men of distinction and ability in their several specialities. Chief Justice Fuller was specially happy in his executive duties and his assignments of cases to us for the preparation of opinions constantly had in mind our previous experiences in particular branches of the law, the circuits from which the cases arose, as well as any interest a justice may have taken in an individual case. Each member of the Court was given his share of constitutional cases. To Justices Field, Harlan, Lamar and Brewer were usually assigned the land cases, to Gray most of the commercial cases, to Bradley, Blatchford and myself the patent and admiralty cases, while those turning upon questions

of practice were by immemorial custom disposed of by the Chief Justice. Mr. Justice Bradley was by common consent regarded as the most learned and acute lawyer; Justice Field a man of great determination and indomitable courage, though lacking the judicial temperament, as a master of forcible and elegant English; while Justice Gray expressed himself very clearly, usually in short opinions but occasionally in very long ones, for the preparation of which he sent for books from the most remote parts of the country. Though his manners were somewhat brusque, he was an excellent judge, fair minded in his opinions and a kind hearted man. Mr. Justice Harlan was a strong Federalist, with a leaning toward the popular side of cases and a frequent dissenter from the more conservative opinions of his brethren. I have never known partisan considerations to enter into the dispositions of cases. By common consent politics were abjured when taking a seat upon the Supreme Bench. By reason of his previous experience as Secretary of the Interior, Justice Lamar's assignments were chiefly confined to land cases. He had practised law but a few years, and that early in life, and always lamented his lack of special equipment for judicial labour. But he was a man of brilliant talents and one of the most genial and delightful companions I ever knew. Justice Brewer, who had been a classmate of mine in Yale Collage, shared the conservative views of his uncle, Justice Field, regarding the rights of property, but was by no means his inferior as a judge.

On my seventieth birthday, and after a service of fifteen years and a half (precisely the length of my service upon the District Bench), I tendered my resignation to President Roosevelt, to take effect at the end of the term. I took this action in pursuance of a resolution I had made thirty-one years before when first appointed to the Bench. I had always regarded the Act of Congress permitting a retirement upon a full salary as a most beneficent piece of legislation, and have only wondered that more judges have not availed themselves of it. I have noticed that while many, if not most, judges made the age of seventy, very few who remain upon the bench survive another decade. During that decade the work of the Supreme Court tells heavily upon the physique of its members, and sometimes incapacitates them before they are aware of it themselves.

In addition to this I had always taken the ground that the country was entitled to the services of judges in the full possession of their faculties, and as my sight had already begun to fail, I took it as a gentle intimation that I ought to give place to another.

In discussing with the President the appointment of a successor. I mentioned the name of Mr. Taft, then Secretary of War, as one eminently fitted for the place both by education and experience, to which the President replied that Taft was built of presidential timber. Hence I was not surprised when he afterwards became an avowed advocate of Mr. Taft's

nomination. I then suggested the name of Secretary Knox, who I understood was offered but declined the appointment. Mr. Moody, then Attorney General, was appointed, but, much to the sorrow of his friends, became incapacitated after a short service and was retired by special Act.

I left Washington soon after my resignation and spent a year in foreign travel. I was received with great courtesy by our own representatives abroad, and accumulated a fund of information which has been a never failing source of pleasure (Memoir of Henry Billings Brown - Autobiography, online http://www.supremecourthistory.org/04_library/subs_volumes/04_c04_a.html, hereinafter cited as Memoir of Henry Billings Brown.).

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--- 2nd Generation ---

2. Billings² Brown (2234) (*Wheeler, History of the Town of Stonington, Page 257.*) (*Ibid.*) (*Ibid.*) was born on 17 Sep 1790 (*Ibid.*). He married Mary Tyler (2254), daughter of John Brown Tyler (2255), on 24 Feb 1825 (*Ibid.*). He married Mrs. Abby Ann Goodwin (2256) on 7 Nov 1855 (*Ibid.*). He died on 6 Apr 1883 at Groton, New London County, New York, at age 92 (*Ibid., Page 258.*).

--- 3rd Generation ---

4. Elias³ Brown (2228) (*Ibid., Page 257.*) (*Ibid.*) (*Ibid.*) married Sabra Billings (2230) (*Ibid.*). He was born on 24 Feb 1745 (*Ibid.*). He died on 15 Sep 1801 at age 56 (*Ibid.*).

--- 4th Generation ---

8. John⁴ Brown (2206) (*Ibid.*) was born on 19 Jul 1706 (*Ibid., Page 256.*). He married Amie Fellows (2221) on 16 Dec 1731 (*Ibid., Page 257.*). He died on 17 Mar 1776 at age 69 (*Ibid.*).

--- 5th Generation ---

16. John⁵ Brown (2180) (*Lorraine Cook White, The Barber Collection of Connecticut Town Vital Records. Volume 35: Preston, Parts I & II (1687-1850) (Baltimore: Genealogical Publishing Company, 1994), Volume 2, Page 5; Norman R. Brown collection, hereinafter cited as The Barbour Collection (Preston).*) (*Wheeler, History of the Town of Stonington, Page 256.*) married Elizabeth (----) (2205).

John Brown (2180) was a cordwainer of Wenham, Massachusetts. He and his wife, Elizabeth, sold a dwelling house, shop and barn to John Gilbert, and on December 26, 1702 John Brown of Preston, Connecticut, (with consent of his wife Elizabeth) sold to John Frost of Salem 11¼ acres of upland in Ipswich. So it seems that he resided close to the line between Ipswich and Wenham and his lands were both sides of the line. John Brown purchased land in Preston, Connecticut May 29, 1702 (*Ibid.*). He died on 17 Feb 1767 (*Ibid.*).

--- 6th Generation ---

32. Nathaniel⁶ Brown (2218) married Judith Perkins (2219) on 16 Dec 1673 and settled on the north side of the Mile River in Hamilton. They were original members of the church in that part of Ipswich called the Hamlet, organized in 1714 (*Ibid.*).

--- 7th Generation ---

64. John⁷ Brown (2213) married Elizabeth (----) (2217) (*Ibid.*). He died on 13 Sep 1677 (*Ibid.*).

--- 8th Generation ---

128. Edward⁸ Brown (2209) (*Ibid.*) (*Ibid.*) married Faith (----) (2210) (*Ibid.*). He was of Ipswich and Wenham (*Ibid.*).

Edward Brown (2209) made his will on 9 Feb 1659 in which he mentions his wife, Faith; sons Thomas, Joseph and John; and daughters, but no names mentioned; also his brother Bartholomew of whom he purchased land. The will was proven 27th, 1 month, 1660 (*Ibid.*).

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