

in the defense of a friend, a public teacher, who had killed the betrayer of his daughter, a gifted young lady, to whom he refused the reparation due by an honorable man.

The betrayer was a merchant of a prominent firm; the accused was a poor and humble teacher in our schools. Under the law the killing was not defensible as justifiable homicide. To a strict and severe logicist, like Durant, it was a task of no little difficulty to justify and defend this act. It was done however, with an ability, an eloquence and force which surprised his brethren of the bar and secured a prompt verdict of "not guilty" from the jury.

There were other occasions in which he gave like manifestations of a courageous, earnest and passionate eloquence and boldness in the defense of poor and friendless persons wronged and ill-used by the rich and powerful. Through his whole career he was always an intense Democrat in the large sense, but never in a narrow or sectional sense. He had imbibed his political and social sentiments from the French philosophers and political reformers. He was a firm believer in the socialistic and communistic views of Fourier and Robert Dale, and was always hostile to African slavery.

When the secession movement was started he stood prominently forth as its uncompromising opponent, and was nominated for the convention which was called to decide that question. He was the boldest and most pronounced of all the nominees on that side, and with Soule, Randell Hunt, and other distinguished candidates of the co-operative party, was beaten. During the whole excitement and the war he withdrew into his law office, taking no part in the violent events of that period. On the occupation of the city by the federal army he continued to serve his friends and fellow-citizens in his professional line, giving no aid or countenance to the violent, lawless and corrupt acts of the military authorities.

Having married a Mississippi lady and become the owner of slaves he made formal acts of emancipation of them. He was too honest, however, to secure the confidence of the representatives of the federal authorities in the city and even during the reconstruction period he could never command their suffrage and support. They had no use for a man of his stolon virtues. It was this ungrateful return and non-appreciation of his services in behalf of the union and of abolition which drove him from the city to the national capital, where he opened an office and soon engaged in a large and lucrative practice.

By appointment of the president he represented the government in many important suits in the court of claims and in the other courts at the capital, and was selected with two other jurists as compiler of the revised statutes of congress. In this work he performed the principal part in the production of a book which is indispensable to all law libraries and practicing lawyers. By the overwork thus imposed on him Durant's constitution was broken down. He died four or five years ago in Washington City, leaving a widow and a grown son, who had become an associate in his practice, which was assumed by his old partner, now in robust health.

Such is the brief sketch of the professional and judicial career of a gentleman who was much honored and respected by the bench, the bar and the whole community, even by bitter political antagonists. His family history has a peculiar interest in its genealogy and the distinction of his relatives in social and literary circles.

During the revolution of 1776 there were in New York four beautiful sisters, named Karlight. One of these ladies became the wife of General Knox, of New York; another was Mrs. Gouverneur; the third became the wife of President James Monroe, and the fourth married Baron Heyliger, of Copenhagen. Mrs. Gouverneur's daughter Eliza married Alexander Hamilton, who was born in the island of Santa Cruz. Mrs. Heyliger's daughter married John Durant of Boston, then residing in Santa Cruz. In that island was born Cornelia Durant, who became the wife of Prof. L. L. da Ponte of New York, and the mother of Durant da Ponte of this city. Prof. da Ponte was the son of Lorenzo da Ponte, the eminent Italian poet-author of "Don Giovanni," "Le Nozze de Figaro" and many other lyrical dramas and poems. He was the successor of Metastasio as dramatic poet at the imperial court of Austria under Joseph II and Leopold. The younger of the Durant children were born in Philadelphia, whither Mr. Durant went to reside after the loss of the Santa Cruz estates. Among them was Thomas J. Durant, who, at the age of 16, came to this city in the year 1831.

His sister, Mrs. Da Ponte, the relict of the eminent professor and author, passed her latter days in this city, to which her son, Durant da Ponte, came when a youth. Mrs. Da Ponte was a lady of fine gifts, an enthusiastic artist and admirable instructor in the fine arts and in languages. She taught several classes of young persons in this city in the art of painting and in other elegant accomplishments. To her only son the brilliant gifts of both parents descended. His father dying when he was only 8 years old, his only educational advantage was in the instruction of his mother. His wonderful natural capacity, quickness and self-reliance enabled him, however, to master every branch of knowledge and of the arts without the aid of college or even school training.

Before he passed his 17th year he had written poetry and prose for the daily journals, which attracted much attention and admiration. At 18 he was a full-fledged journalist, and having joined the volunteers in the Mexican war whilst our army occupied Monterey, he brought out the first American paper published in Mexico. On his return to this city he became connected editorially with the Delta, subsequently with the Pennywise, and soon established the reputation of a complete, fully equipped journalist of marvelous versatility, universal knowledge and great rapidity and felicity at composition.

In politics, in mathematical science, in logical and analytical power, in a familiarity with legal principles and constitutional and political history, we have known no superior in the journalism of this country. It was indeed a great loss to the profession when certain happy and sagacious financial operations withdrew Mr. Da Ponte from a profession of which he was an ornament, and secured him the ease, luxury and independence of a rich capitalist.

OUR OLD AND MEDIAEVAL BAR.

Thomas Jefferson Durant.

At every sitting of the supreme court of the United States the old attendant at our bar will not fail to recognize a familiar voice, in argument before this court, of a youthful-looking and well preserved elderly gentleman. It is the voice of one of the older members of our bar, who more than twenty years ago retired from practice to enjoy in quiet and retirement the accumulation of a large and lucrative practice in this city. On his retirement the business of the legal firm of which this gentleman was a member, was handed over to a firm composed of his son and a young lawyer, who in a few years built up a large practice and have accumulated handsome fortunes.

This firm was largely indebted for their success to their adoption of the methodical, precise, thorough habits of industry, and punctuality so vigorously pursued by their predecessors. This was the old firm of Durant & Hornor, to which succeeded Hornor & Benedict. Neither of the old firm had been educated in the law. Their early manhood had been passed in clerkships, and the subject of the present sketch, Thomas Jefferson Durant, had wasted several years in the very unremunerative labor of political journalism and philosophic polemics.

That he could so far withdraw his fine intellectual endowments from these unprofitable employments as to acquire a thorough knowledge of law, and qualify himself for successful practice therewith, the habits which such practice demanded, to the remarkable degree exhibited through his long career at our bar, evinced the highest qualities of self-control and moral and mental firmness.

The demands of such a practice would appear to be antagonistic to all the previous tastes and intellectual diversions of Mr. Durant, for philosophic, social and political theories and discussions wherein authority is discarded and assailed with the most cynical skepticism and irreverent iconoclasm.

It was certainly a great victory won by so earnest and bold an infidel, democrat and radical, when he could subject his adventurous mind to the severe restraints of the logic and respect for authority imposed by the practice of law.

Mr. Durant was greatly aided in mastering these requirements by his studious, methodical, industrious habit. He was a severe and ascetic moralist, and of great fidelity and punctuality in all his relations. He prepared exact pleadings, had a thorough knowledge of bookkeeping, and his orthography was equal to copperplate. In oral argument he was lucid, brief, unimpassioned and unsentimental. Though his literary attainments and reading were large and general, they were never drawn upon in his legal arguments, nor were his politics ever permitted to influence his legal opinions and interpretations. Occasionally he would emerge from his professional practice to engage in the political contests of the day, and served very creditably in several political offices, as senator in our legislature and as United States district attorney. But when he entered his law office all politics and philosophy were discarded and ignored, and a bold thinker, skeptic and declaimer became a close, technical and formal pleader and a tenacious adherent to the stare decisis dogma.

We must qualify our denial of his sentimentalism and qualification for passionate and effective declamation and argumentation by admitting that there were occasions and cases in which he broke through his natural austerity and acquired technicalism, and displayed with great impressiveness and effect the highest tone of a strong emotionalism and sympathy in the passions and weaknesses of human nature. There was a memorable case in which Mr. Durant made a brilliant illustration of his susceptibility to these impulses. This was