

(editor's note: This paper was transcribed from a handwritten cursive copy with various difficulties. For a perfect rendition, the reader might wish to consult the original, itself a copy, in the volume entitled *Literary Club Papers I*, 1885 – 1886 Oct 3, '85 to May 29, '86) The original is very badly faded.

Budget – Greve editor
April 3, 1886

John Baxter

The death of any officer of the government who has faithfully performed his duty throughout his lifetime, is always a loss to the community. This is especially true in the case of the death of Judge Baxter of the United States Circuit Court. His death is not felt by the bar alone, but by the whole community. I think it no exaggeration to say that Judge Baxter, more than any other judge who sits in Cincinnati represents to the public mind the "upright judge" of all literature and times. There may have been and probably have been other judges fully as upright, and more able than Baxter, but I doubt if any of the judge has obtained such a strong respect from the general community. Laymen, and unprofessional men knew little of his abilities but they almost always felt sure that his decisions were correct, for they felt that in all cases they were dedicated by principles of justice. His quick manner of disposing of cases, too, commended him to the public who are heartily tired, in many cases unjustly so, it is true, of the law's delay's. They saw that he treated all alike, making no distinction; he was as ready to rebuke the most prominent lawyer at the bar, as the youngest member of the profession, and, in fact, more readily. He always kept his court in order, a quality that is not too general in our courts at present. It was felt by those in his court-room that the majesty of the law must be respected. He kept the attorneys practicing before him within the bounds of decorum. Very frequently in our courtrooms do we feel that the judge on the bench is neglecting his duty in this respect. Very frequently in our courtrooms do we see a witness who is compelled to drop his business to testify in a matter in which he has no interest other than his interest in the triumph of justice, badgered and insulted by the opposing counsel, and without protection from the lawyer who called him, who sits in perfect quiet, evidently enjoying the scene. The poor witness feels that he is being unjustly treated, and as the lawyer whose business it always is to ensure his witnesses respectable treatment, does not intercede for him, he often is compelled personally to ask the judge on the bench to protect him. This was never the case with Judge Baxter. He never allowed the lawyer to badger a witness. He insisted that such treatment was not only an insult to the witness, but to the court.

It was this feeling on the part of the community that Judge Baxter was always ready to protect the rights of all, that gained for him the admiration and respect that is unusual in these days when the meanest “penny-a liner” feels himself at liberty to insult and criticize the highest tribunals.

Baxter, of course, made mistakes. His ready way of treating cases necessitated mistakes; but his mistakes were never induced by questionable motives. While he sat on the bench the community had the utmost confidence in the ruling of the court over which he presided. May his successor, who has a hard place to fill, maintain that confidence.

Charles Theodore Greve