

MEMORANDA.

THE BAR OF THE SUPREME COURT OF THE UNITED STATES met in the court-room, in the Capitol, Washington, on Monday morning, October 18, 1881, at 10½ o'clock, to pay respect to the memory of the late MR. JUSTICE CLIFFORD.

On Motion, MR. DAVID DAVIS was appointed Chairman, and MR. JAMES H. MCKENNEY, Secretary.

MR. PHILIP PHILLIPS moved that a committee be appointed to draft resolutions expressive of the respect of the members of this bar for the memory of the deceased.

The chair appointed MR. PHILIP PHILLIPS, MR. MONTGOMERY BLAIR, MR. J. HUBLEY ASHTON, MR. WALTER D. DAVIDGE, MR. S. W. KELLOGG, MR. RICHARD T. MERRICK, MR. THOMAS J. DURANT, MR. ALBERT G. RIDDLE, and MR. CHARLES CASE, the committee; who reported, through MR. PHILLIPS, the following resolutions for adoption:—

The members of the Bar and officers of the Supreme Court of the United States have come together to express their profound sorrow for the death of the venerable senior Justice of the Court, NATHAN CLIFFORD.

As a slight tribute to his memory they desire to place on some permanent record the expression of their admiration of his civic virtues, and their appreciation of the integrity and great ability with which for near a quarter of a century he discharged the arduous duties of his high office. Therefore,—

Resolved, That they are duly penetrated by a sense of the calamity which they in common with the rest of the people of the United States have sustained in the death of the Honorable NATHAN CLIFFORD; and that they will ever cherish his memory, which is endeared to them no less by many personal attractions and associations than by his eminent ability and wisdom.

Resolved, That the members of the Bar and officers of the Court will wear the usual badge of mourning during the term.

Resolved, That the Attorney-General be desired to present these proceedings to the Court with the request that they be entered on its minutes.

Resolved, That the same be published in the journals of the city, and that a copy thereof be forwarded to the family of the deceased, with the respectful assurance of the sympathy of this meeting.

The resolutions were unanimously adopted, and the meeting, on motion of Mr. MERRICK, adjourned.

On October 24 Mr. ATTORNEY-GENERAL MACVEAGH addressed the Court as follows:—

May it please your Honors:—

In obedience to the instructions with which I have been honored by the members of the Bar, I desire to present the resolutions adopted by them in commemoration of the loss the Court and the Bar have alike sustained in the death of Mr. JUSTICE CLIFFORD.

JUDGE CLIFFORD'S entire career was eminently American. We live too near them to appreciate the true heroism of such lives, and we anticipate the familiar story before it is told. Born to honorable poverty, he succeeded in securing an education mainly by his own efforts, teaching school when he was not attending it. Then came the hard dry study of the law, broken also by the recurring need of teaching; and at last he stands on the threshold of the new life, well equipped for its struggles and resolute to win its prizes. In May, 1827, he was admitted to practise law by the Supreme Court of New Hampshire; and in July, 1881, he died senior Justice of the Supreme Court of the United States.

The long interval was filled with as varied, as useful, and as honorable experiences as man's heart could desire; for he was permitted to enrich by his industry, to adorn with his learning, and to honor by his integrity each of the three great departments of the Government. He was for several years a member and more than once Speaker of the House of Representatives of his adopted State of Maine, where he won golden opinions, even from his political opponents, by his ability, his fairness, and his courtesy. He was a member of Congress for four years, and the record of its discussions attests his eminent fitness to deal with grave questions of political debate. He was Attorney-General of Maine, when his duties included the prosecution of all crimes against the State, and he was Attorney-General of the United States. He was commissioner to negotiate a treaty of peace with Mexico, and afterwards Envoy Extraordinary and Minister Plenipotentiary to that country. He had subsequently been engaged for several years in the active practice of his profession when he was called to a seat upon this Bench.

It may no longer be necessary for good judges to amplify their jurisdiction; but it is certainly desirable that your Honors should not fail to recognize the vastness and the dignity of your authority. Since men have lived together in civil society, they have committed to their fellows no nobler functions than those committed to this Court,—to construe constitutions and statutes, to determine weighty and far-reaching controversies, to declare the law to thirty-eight great States and to fifty millions of intelligent freemen. No happier fortune could therefore be wished for any good man and good lawyer than that which befell Mr. JUSTICE CLIFFORD, to be permitted, after more than thirty years passed in the strifes of the bar and the forum, to share for more than twenty years with most honorable distinction the arduous labors, the grave responsibilities, and the lofty privileges of this august tribunal. The end crowns the work. It only remains for me to ask that the resolutions I present shall be entered upon the minutes of the court.

After the reading of the resolutions, Mr. CHIEF JUSTICE WAITE said:—

We are glad to receive from the Bar this expression of their high regard for our deceased brother. The records of the Court contain abundant evidence of the truth of the most that has been said of him. His opinions are to be found in forty-two volumes of our reports, and every one was unmistakably the result of his honest convictions and patient investigations. Very many of them have received, as they deserved, marked attention; none more so, perhaps, than his first, which was delivered in *Goodman v. Simonds*, a case that was argued in 1858, only a few days after he took his seat on the Bench. He was never disloyal to the high position he occupied, and never unmindful of the oath he had taken to "administer justice without regard to persons, and to do equal right to the rich and to the poor." From the beginning to the end of his long judicial career he was an upright, conscientious, and painstaking judge. No labor was too great for him if his duty required it, and his delight was to search diligently for the right, and when found declare it.

It would be difficult to overestimate his loss. He was the last of the connecting links between the long past of the Court and the present. His knowledge of what had been done, whether shown by the records or tradition, was extensive and accurate. He was always ready, in consultation or elsewhere, to give his brethren the full benefit of what he knew, and nothing grieved him more than to feel that what had once been deliberately done was to be undone. The Court and the Bar have abundant reason to regret that his usefulness has become a thing of the past. He died full of years and full of honors.

I may, perhaps, be permitted here a word for myself. When I came to the place I now occupy he was the Senior Associate. For months he had presided over the deliberations of the Court with all the dignity and ability which were due to the position. We were strangers to each other. He had never seen me to know me before; but time will never efface from my memory his cordial and affectionate greeting. He was a man of kindly nature, and was never consciously guilty of a wrong.

The resolutions of the Bar and the remarks of the Attorney-General in presenting them will be entered on our records, and we will now adjourn out of respect to the memory of him that is gone.

The first of these is the fact that the number of cases of disease is not proportional to the number of persons exposed to the disease. This is true of all diseases, but is especially true of those which are transmitted by contact with the diseased person. The reason for this is that the number of persons who are exposed to the disease is not the same for all diseases. For example, in the case of smallpox, the number of persons who are exposed to the disease is very small, while in the case of measles, the number is very large.

TABLE OF CASES

Smallpox	
1850	100
1851	120
1852	150
1853	180
1854	200
1855	220
1856	250
1857	280
1858	300
1859	320
1860	350
1861	380
1862	400
1863	420
1864	450
1865	480
1866	500
1867	520
1868	550
1869	580
1870	600
1871	620
1872	650
1873	680
1874	700
1875	720
1876	750
1877	780
1878	800
1879	820
1880	850
1881	880
1882	900
1883	920
1884	950
1885	980
1886	1000
1887	1020
1888	1050
1889	1080
1890	1100
1891	1120
1892	1150
1893	1180
1894	1200
1895	1220
1896	1250
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1900	1350
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1911	1620
1912	1650
1913	1680
1914	1700
1915	1720
1916	1750
1917	1780
1918	1800
1919	1820
1920	1850
1921	1880
1922	1900
1923	1920
1924	1950
1925	1980
1926	2000
1927	2020
1928	2050
1929	2080
1930	2100
1931	2120
1932	2150
1933	2180
1934	2200
1935	2220
1936	2250
1937	2280
1938	2300
1939	2320
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1941	2380
1942	2400
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1944	2450
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1965	2980
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2002	3900
2003	3920
2004	3950
2005	3980
2006	4000
2007	4020
2008	4050
2009	4080
2010	4100
2011	4120
2012	4150
2013	4180
2014	4200
2015	4220
2016	4250
2017	4280
2018	4300
2019	4320
2020	4350
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2044	4950
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2167	8020
2168	8050
2169	8080
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