

SUPREME COURT OF THE UNITED STATES

MONDAY, JUNE 6, 1921.

PRESENT: MR. JUSTICE MCKENNA, MR. JUSTICE HOLMES, MR. JUSTICE DAY, MR. JUSTICE VAN DEVANTER, MR. JUSTICE PITNEY, MR. JUSTICE McREYNOLDS, MR. JUSTICE BRANDEIS, and MR. JUSTICE CLARKE.

MR. JUSTICE MCKENNA said:

“GENTLEMEN OF THE BAR: It is my sad office to announce that another sorrow has come to the Court in the death of Mr. James D. Maher, its clerk—a sorrow following close upon that of which this empty chair is testimony, a sorrow having particular emphasis, and we are impelled to its expression and manifestation.

“Our association with him was personal and official. Where personal, he exhibited an attractive courtesy; where official, he impressed a sense of ability and that trust could be reposed in him.

“His connection with the Court began over a half a century ago—to be exact, in 1865,—as a page, and from that humble beginning he rose successively to be junior clerk, deputy clerk, and clerk. By this advancement his ability was availed of as much as rewarded; and it was justified to the last moment of his service—service ending only with his life.

“What more need be said? The successive promotions proclaim his merit; verbal enunciation or eulogy of it is an unnecessary supplement. I, however, venture some particulars. Among other powers he had the power of taking pains, and that in high degree. It was a constituent of his efficiency which gave an assurance of exact-

ness and confident reliance upon whatever he did or was to do.

“And he thought nothing a trouble; he was prompt, therefore, to grant any request or obey any direction, heightening thereby his courtesy or duty. In this I am repeating the appreciation of our Chief Justice, who, in greater degree than the rest of us, had occasion to demand or receive the aid of Mr. Maher, and could make, therefore, an exact estimate of him and his services. And, of course, his exact and comprehensive knowledge of the procedural precedents and practices of the court was of inestimable service to the members of the bar, and he was always ready to render that service.

“One other word in summary of his merit and of our appreciation of it: In private life he was as exact to fulfill his duties and obligations as he was in official life, and his example and services will remain with us a cherished and intimate memory; to those who succeed us they will be an instructive tradition.”

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