

[REDACTED]

PROCEEDINGS ON THE DEATH OF CHIEF  
JUSTICE WHITE.<sup>1</sup>

The Bar of the Supreme Court of the United States and the officers of the Court met in the court room in the Capitol on Saturday, December 17, 1921, at 12 o'clock noon.

On motion of Mr. FREDERIC D. MCKENNEY, Mr. JOHN W. DAVIS was elected Chairman and Mr. WILLIAM R. STANSBURY, Clerk of the Court, Secretary.

On taking the Chair, Mr. DAVIS said:

“GENTLEMEN OF THE BAR: We are assembled to pay our tribute of respect to the memory of the late Chief Justice of the United States. To the elevation of his life and the distinction of his career we can add nothing by any word of ours, but our duty to the profession which we serve and in whose service his life also was spent would be left undone if we failed to place on record our estimate of his personal character and of his contribution to the jurisprudence of his country. After a lifetime of public service, closing with twenty-seven years upon the Supreme Court of the United States, he died in the occupancy of the highest post open to an American lawyer, and one which, in its singular power, is without parallel in this or perhaps in any other country. During his incumbency as Associate Justice and Chief Justice there came a development and expansion of the powers of the federal government and a resulting increase in the labors of the Court unsurpassed during any equal period in the history of the Republic. Two foreign wars brought with them problems of novel and untried extent which tested to the full the vigor of our governmental

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<sup>1</sup> See also volume 256 of these Reports, pp. v-vii.

structure; and legislation passed in response to advancing public sentiment spread the federal power to many untrodden fields.

“Through all this sequence of great events, Chief Justice White moved as a foremost actor, and the future voyage of the Ship of State will be charted from precedents which he assisted to establish. Logical and penetrating in intellect, bold in thought and tenacious in conviction, lofty and unselfish in his devotion to his country, it is not too much to say that none of those who have occupied that great seat has filled it more worthily; and when his sculptured presentment comes to join those of his predecessors on the walls of this historic chamber, even that immortal company will be the richer for his presence.

“Viewing in retrospect the panorama of his life, there come to my mind the words of the great commander who led the armies of his boyhood:

‘There is a true glory and a true honor, the glory of duty done, the honor of the integrity of principle.’”

The Chair then appointed as a Committee on Resolutions: Mr. GEORGE SUTHERLAND, of Utah, Chairman, Mr. CHARLES F. CHOATE, Jr., and Mr. FREDERICK P. FISH, both of Massachusetts, Mr. WILLIAM D. GUTHRIE and Mr. ELIHU ROOT, both of New York, Mr. WILLIAM A. GLASGOW, Jr., and Mr. GEORGE WHARTON PEPPER, both of Pennsylvania, Mr. A. J. MONTAGUE, of Virginia, Mr. WILLIAM L. MARBURY, of Maryland, Mr. HENRY P. DART and Mr. GEORGE DENEGRE, both of Louisiana, Mr. LAWRENCE MAXWELL and Mr. JUDSON HARMON, both of Ohio, Mr. J. M. DICKINSON and Mr. JOHN S. MILLER, both of Illinois, Mr. FREDERICK W. LEHMANN, of Missouri, Mr. FRANK B. KELLOGG, of Minnesota, Mr. GARRET W. MCENERNEY and Mr. CHARLES S. WHEELER, both of California, and Mr. FREDERIC D. MCKENNEY and Mr. NATHANIEL WILSON, both of the District of Columbia.

Mr. SUTHERLAND, for the Committee, presented the following:

## RESOLUTIONS

Edward Douglass White, ninth Chief Justice of the United States, was born in Thibodeaux, Lafourche Parish, State of Louisiana, on the 3d day of November, 1845, and died in the City of Washington on the 19th day of May, 1921.

When but sixteen years of age, and yet at school, the Civil War broke out. He thereupon laid aside his books, returned to his home, and, as a private of infantry, espoused the cause of the Confederate States.

After the close of the Civil War, he undertook the study of the law, and in 1868 was admitted to practice at the Bar of the Supreme Court of Louisiana.

In 1874, he was elected to the State Senate, in which body he served for four years, when, by appointment, he became an Associate Justice of the Supreme Court of Louisiana. He faithfully discharged the duties of that office until the reorganization of the Court in 1879, when he resumed the practice of the law. On March 4th, 1891, having been elected by the Legislature of Louisiana, he assumed the office of Senator of the United States, which he filled with distinction until February 19th, 1894.

By appointment of President Cleveland, and with the immediate and unanimous consent of the Senate, he then became an Associate Justice of the Supreme Court of the United States.

Sixteen years of service as an Associate Justice so firmly established his reputation and character as a jurist that, upon the death of Chief Justice Fuller, President Taft, himself a lawyer of distinction and of a different political party, commissioned him on December 12th, 1910, Chief Justice of the United States.

On December 19th, 1910, he assumed the central seat upon that historic Bench, from which, with ability un-

surpassed, he fulfilled until his death the duties of his greatest office.

Of his seventy-five years of life, almost one-half was devoted to the public good, six years in the service of his native State, and thirty years in that of the Nation, which he served with singleness of purpose and intensity of devotion.

As Associate Justice and Chief Justice, together, for twenty-seven years, he labored upon the Bench of this great Court, and, by patience, courtesy and fulness of learning, combined with an exceptional ability to grasp and correlate, not only intricate masses of detail, but divergent systems of law, he constructed for himself, while striving for the benefit of others, a monument as enduring as the Court itself.

What he said aptly of his immediate predecessor is applicable precisely to himself:

His "labors find an enduring memorial in the reported decisions of the Court rendered during the long period of his service. \* \* \* They have become the heritage of his countrymen, for whose good he labored with untiring devotion."

It is accordingly *resolved* by the members of the Bar of the Supreme Court of the United States here assembled, speaking for the membership of that Bar at large and voicing the grief of their brethren throughout the United States:

That the services of the late Chief Justice constitute a notable contribution to the achievements of the great tribunal of which he was so long an illustrious member; that by his modest bearing, his sense of kinship with his fellow-men, his wholesome outlook upon life, and his vigorous support of American institutions and ideals, no less than by the height of his intellect and the depth of his learning, he has left to his countrymen a memory at once an ennobling inspiration and a priceless example.

*It is further resolved* that the Attorney General of the United States be requested to present these Resolutions

to the Court and to move their inscription upon its records; and that the Chairman of this meeting send a copy of the Resolutions to Mrs. White as an expression of the sympathy of the American Bar.

In presenting the Resolutions, MR. SUTHERLAND said:

“MR. CHAIRMAN: The resolutions presented by your committee and which I have just read constitute but an inadequate expression of the high regard in which the memory of the late Chief Justice is held by the American bar. Indeed, to those who knew him both on and off the bench, and, still more, to those who were so fortunate as to be numbered among his intimate friends, no language which could be employed to estimate his character or describe his great personality would seem to be entirely sufficient. There was a charm which went with his learning, a gentleness woven into and through the fabric of his strength, essentially of the spirit, which no words can quite express, and which only those who came within the circle of close and familiar association are able entirely to appreciate. A great lawyer, a judge of clear and vigorous apprehension, a scholar of rare attainment and insight, he brought to the discharge of his official duties an intellectual ability which has never been surpassed in our judicial history. With his comprehensive knowledge of legal principles, his keen and discriminating judgment, his wonderful power of logical analysis and facility and felicity of expression, the judicial opinions which he handed down not only satisfied the coldly critical faculties of the lawyer but brought delight to the sensibilities of the lover of literary excellence as well.

“I am sure I speak the universal sentiment when I say that no man of our profession, in our time, has possessed in more complete measure the admiration, the respect, as well as the affections, of his brethren of the bench and bar.

“Mr. Chairman, I have the honor to submit these resolutions and move their adoption.”

The motion was duly seconded and the resolutions were adopted. Addresses in eulogy of the distinguished dead were made by Messrs. DART, KELLOGG, and MAXWELL, of the committee, and by Messrs. WILLIAM C. FITTS, of Alabama, S. P. FREELING, of Oklahoma, and CHARLES HENRY BUTLER and LEVI P. COOKE of the District of Columbia. These addresses are printed *in extenso* in a memorial volume published by the Clerk of the Court, as Secretary of the meeting, where also will be found messages, conveyed directly to the Court or through the State Department, from THE LORD CHANCELLOR, on behalf of the Bench and Bar of England, from ALBERTO M. GONZALES, Magistrate of the Supreme Court of Justice of Mexico, from L. RUMEU BURGUES, President of the High Court of Justice of Uruguay, from the Governments of Cuba, Guatemala and of Panama; also Memorial Resolutions adopted by the House of Representatives of Massachusetts, the Bar Association of Alexandria, Louisiana, and the District Court, Division B, of the Parish of Rapides, Louisiana, the Second Judicial District Court of Nevada, and the Allen County Bar Association, of Indiana, and an address delivered by Mr. HENRY P. DART before the Supreme Court of Louisiana, on behalf of the Memorial Committee of the Louisiana Bar Association.