

## RETIREMENT OF MR. JUSTICE DAY.

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SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 2, 1923.

PRESENT: THE CHIEF JUSTICE, MR. JUSTICE MCKENNA, MR. JUSTICE HOLMES, MR. JUSTICE VAN DEVANTER, MR. JUSTICE McREYNOLDS, MR. JUSTICE BRANDEIS, MR. JUSTICE SUTHERLAND, AND MR. JUSTICE BUTLER.

The CHIEF JUSTICE announced the following order of the Court:

It is ordered by the Court that the accompanying correspondence between members of the Court and Mr. JUSTICE DAY upon his retirement as an Associate Justice of the Court be this day spread upon the record, and that it also be printed in the reports of this Court:

DECEMBER 23, 1922.

DEAR BROTHER DAY: At the end of twenty-five years of judicial work you have retired to enjoy a well-earned respite from unremitting labor. This you began by one year's service on the bench of your native State. After a short but conspicuously useful and successful service as Secretary of State during the Spanish War and as chairman of the Peace Commission which negotiated the treaty of Paris closing that war, you went back to judicial work on the Circuit Court of Appeals for the Sixth Circuit for four years, whence you were called to this Court in March, 1903. The thorough preparation you had had for effective work here manifested itself at once. Your service has covered two decades. Your opinions appear in

sixty-seven volumes of our reports. But it is not only in the published opinions, their number, their clearness, and their force, great as they are, that the value of your service is to be measured. We who have sat with you in conference know how much you have contributed to our counsels from your wealth of judicial experience, your accurate knowledge of the scope of our previous decisions, and your remarkable familiarity with the adjudged limits of our jurisdiction.

We shall miss much your loyalty to the Court and its traditions, your affectionate fellowship, your wit and humor, and your unfailing tranquillity and good sense.

Your separation from the Court is a real personal sorrow to us, and we know that it is to you. To end such a close and confidential relation in a high, arduous, and common service to the State and Country extending over many years, must be this, when there has ever been present mutual respect and affection.

We sincerely hope that in your retirement and in a long evening of life you may find happiness, as well you may, in your extended and honorable record of public service and in the clear verdict of your countrymen that you have deserved well of the Republic.

Affectionately yours,

WILLIAM H. TAFT.

JOSEPH MCKENNA.

OLIVER WENDELL HOLMES.

WILLIS VAN DEVANTER.

MAHLON PITNEY.

JAMES CLARK McREYNOLDS.

LOUIS DEMBITZ BRANDEIS.

GEORGE SUTHERLAND.

Hon. WILLIAM R. DAY,  
1301 Clifton Street,  
Washington, D. C.

1301 CLIFTON STREET,  
WASHINGTON, D. C., DECEMBER 26, 1922.

TO THE CHIEF JUSTICE AND ASSOCIATE JUSTICES OF THE  
SUPREME COURT.

MY DEAR BRETHREN: Your kind letter of the 23d instant has been received. I am very grateful for this expression of your feeling toward me on the separation which follows my laying down of judicial work.

I need not say that the labors of nearly twenty years of service upon the Court have been necessarily arduous. They have been, nevertheless, enjoyable, and the association and companionship of those with whom they have been performed have been most agreeable to me, and I part with the Court with deep regret that it seems proper for me to take this step at this time.

I can not forego an expression of satisfaction that at no time has any serious inroad been made upon the great and necessary functions of the Court in adjudicating fundamental rights under our system of Government, although such power has been the subject of attack during the entire life of the Republic. If our institutions are to endure, as I believe they are, these powers must be lodged in an impartial and independent tribunal.

That you may live long to carry on the great work entrusted to you by the Constitution—is my heartfelt wish as I sever our official associations. For each and all of you I have an affectionate regard and esteem which I shall cherish as long as I shall live.

Cordially and fraternally,

WILLIAM R. DAY.