

PROCEEDINGS IN MEMORY OF CHIEF JUSTICE
TAFT.¹

Members of the Bar and officers of the Court met in the court-room, on December 13, 1930, at 10 A. M.²

On motion of the Solicitor General, Mr. George W. Wickersham was chosen as Chairman and Mr. Charles Elmore Cropley as Secretary.

On taking the chair, Mr. WICKERSHAM said:

“Gentlemen of the Bar: We are met here today to pay tribute to memory of a great lawyer and judge who during a period of nearly nine years occupied the exalted office of Chief Justice of the United States. From John Jay to Charles E. Hughes, almost every Chief Justice has had a record of distinguished political activity and public service before his elevation to the highest judicial position. Our Chief Justices always have been primarily statesmen, besides having achieved distinction at the bar or on the bench. Mr. Taft was the only one who also had been President of the United States. His entire life was devoted to public service. In such leisure as the exactions of official life allowed, he was a student and teacher of the law. He was largely instrumental in reorganizing and revitalizing the Cincinnati Law School, and during his term of service as U. S. Circuit Judge he made time to administer the office of Dean and lecturer on the law of real property in that school. He was an enthusiastic son of

¹ See 280 U. S. III, v; 281 U. S. v.

² The committee on arrangements for this meeting were: Mr. Solicitor General Thacher, Chairman, and Messrs. George W. Wickersham, George E. Hamilton, Charles Warren, and John Spalding Flannery.

Yale University, and upon his retirement from the Presidency of the United States in 1913, he accepted a professorship of Constitutional Law in that institution. When the United States entered the world war in 1917, the only place the government of the hour found for the services of this distinguished statesman and jurist was that of co-chairman of the War Labor Board. Mr. Taft accepted that comparatively humble post and devoted to its problems the same earnest and efficient capacity he had given to the offices of Solicitor General and Circuit Judge of the United States, Civil Governor of the Philippine Islands, Secretary of War and President of the United States.

“His appointment as Chief Justice in 1921 enabled him to round out his public career in a position for which by nature and training he was peculiarly fitted. He brought to that office rare qualities of learning, experience, insight, industry and temperament, and the record of his service in the Court will compare favorably with that of any other of the illustrious men who have filled that exalted position. Even a brief reference to the Chief Justice would be incomplete without referring to his unusual love of mankind, his toleration, the complete absence of resentment or rancor against wrongs done to him, and his keen sense of humor. More than any man I have ever known he obeyed the precepts of the Sermon on the Mount to love one's enemies, to bless them that curse you and to pray for them which despitefully use you.

“It was these qualities which made him so widely beloved throughout this nation during the last twenty years of his life. The people knew and loved him. His appointment to the Supreme Court gave them a new appreciation of that institution. It was no longer a mere intellectual abstraction. It became to them a body of men of which their friend Taft was the head, and they knew that no part of the government over which he presided could fail in sympathy with the common man, his daily needs, his simple homely problems. Others will speak more in detail of his record. My friendship

with him extended over a long period. I had the privilege of serving in his Presidential Cabinet. I admired him as a public servant, I loved him as a man. He lived his life 'in simpleness, in gentleness, in honor and clean mirth.'"

A committee³ appointed by the Chair brought in the following minute and resolutions, which, after hearing the addresses hereinafter noticed, were duly adopted:

RESOLUTIONS

The members of the Bar of the Supreme Court here assembled have met to express their profound regret at the death of William Howard Taft, tenth Chief Justice of the United States, and to record their high appreciation of his conspicuous, faithful and devoted service to his country. They have adopted the following Minute:

William Howard Taft was born in the city of Cincinnati, Ohio, September 15, 1857. He was graduated with distinction at Yale University in 1878 and at the Cincinnati Law School in 1880. He was called to public service within a year after his admission to the bar, first as Assistant Prosecuting Attorney of Hamilton County, Ohio, and then as Assistant County Solicitor. In 1887, he was appointed by Governor Foraker to succeed Hon. Judson Harmon as judge of the Superior Court of Cincinnati. Three years later, in 1890, he was appointed by President Harrison Solicitor General of the United States. After two years service in that office, he was ap-

³The gentlemen of the committee were: Messrs. Elihu Root, John W. Davis and Charles A. Boston, of New York; Frederic W. Mansfield and Bentley W. Warren, of Massachusetts; George Wharton Pepper, of Pennsylvania; William Cabell Bruce, of Maryland; William L. Frierson, of Tennessee; Thomas W. Gregory, of Texas; Newton D. Baker, Joseph S. Graydon and Andrew Squire, of Ohio; Walter L. Fisher, of Illinois; Charles W. Bunn, of Minnesota; William V. Hodges, of Colorado; Garret W. McEnerney, of California; and Frederic D. McKenney, J. Harry Covington and Chauncey G. Parker, of the District of Columbia.

pointed Circuit Judge of the United States for the Sixth Judicial Circuit. His three years service in the Ohio state court had given Mr. Taft not only an insight into the interest and importance of the judicial office, but had awakened in him a love of the judicial function which deeply marked his character and colored his entire future career. He threw himself with ardor into the varied work of a federal circuit judge, which at that period required him to sit in courts of first instance, at law and in equity, and even on the criminal side, as well as to participate with his associates in the appellate work which the Evarts Act of 1891 devolved upon the newly created Circuit Courts of Appeals—a jurisdiction which in a large and important class of cases was final. By his learning and industry, his keen sense of values, his broad human understanding and his appreciation of the supreme importance of the administration of justice, Judge Taft soon established a high reputation as one of the ablest members of the federal judiciary. In the year 1896, Judge Taft, in connection with Judson Harmon, Lawrence Maxwell and others, reorganized the Cincinnati Law School, adopted the Harvard case-book method of teaching, and started it upon a career of enlarged activity. He accepted the position of Dean, as well as lecturer on real property law, and discharged the duties of both those positions, until his resignation from the bench in 1900. When the termination of the war with Spain left the United States with the responsibility for the future of the Philippine Islands, President McKinley called upon Judge Taft to head a commission of distinguished Americans to proceed to those islands, study the conditions prevailing in them and make a report with recommendations as to the future relations of the Government of the United States to those islands and their people. There was little in this assignment which appealed to a federal judge devoted to his judicial work and ardently believing that the administration of justice was the supreme concern of mankind. But

the appointment was tendered him by the President as a call to public duty, and such an appeal never was made to him in vain. At the conclusion of the work of the Philippine Commission, Mr. Taft was appointed first Civil Governor of the Islands, serving in that capacity until February 1st, 1904, when he was appointed Secretary of War in the Cabinet of President Roosevelt, from which he resigned in June, 1908, because of his impending nomination for the Presidency, to which he was elected in November of that year. Space is lacking here for an appraisal of the value of the distinguished public service rendered by Mr. Taft as Civil Governor of the Philippines, as Secretary of War or as President of the United States. But it is peculiarly appropriate to this occasion to note that few Presidents, if any, have been called upon to appoint so large a number of federal judges as he, and by none was a higher standard of learning and personal character required in his nominees. During his four years of the Presidency, he selected five Associate Justices and one Chief Justice of the Supreme Court of the United States. The choice of the Chief Justice gave him more anxious thought than any other. Departing from precedents, he nominated to the Chief Justiceship an Associate Justice of the Court, Edward D. White, of Louisiana, who also was a Democrat and a former Confederate soldier. This nomination was promptly confirmed by the Senate and met with universal approval on the part of the bar and the people of the country. It had been Mr. Taft's greatest ambition himself to become Chief Justice, and in selecting Judge White for that position, he was putting another man into the only post in the Government he had ever really yearned to fill. On June 30, 1921, President Harding appointed Mr. Taft Chief Justice to succeed Chief Justice White, who had died a month earlier, and on the retirement of Chief Justice Taft himself, very shortly before his death, President Hoover appointed as his successor Charles Evans Hughes, whom President Taft

had appointed an Associate Justice of the Supreme Court in 1910 (and who had resigned to accept the Republican nomination for the Presidency in 1916).

Mr. Taft is the only American in our history who was the head of two of the three equal and coördinate branches of our Government. But the bench was his career of predilection, and he brought to the office of Chief Justice devotion to and enthusiasm in its work, as well as the experience of his long, useful and varied life in the public service. Aside from his strictly judicial work, the two outstanding events in the history of the Court during his incumbency are (1) the passage of the act which greatly limited the number of appeals as of right to the Supreme Court from the final decisions of the Circuit Courts of Appeals, substituting for the right of appeal a discretionary power of review by writ of certiorari; and (2) the enactment by Congress of a law authorizing the construction of a building in which to house the Court and its offices, and the passage of appropriations adequate for the construction of a dignified and beautiful structure, the selection of a site and the preparation and approval of the plans for the building. To the securing of both of these measures and the planning of the new court building, the Chief Justice devoted much thought and energy, appearing in person before the appropriate Congressional Committees to fully present all the reasons which had made him an advocate of these measures. His work on the Court as reflected in his opinions speaks for itself. The number of opinions he wrote was surprisingly large, and the vigor, clarity and sureness of touch which they express demonstrate his unquestioned title to a place high in the ranks of the leaders in the American Judiciary. This brief sketch of the Chief Justice would be incomplete without an allusion to those personal qualities which endeared him to many people of high and low degree throughout the land. In the truest sense of the word he was a great humanitarian, feeling the keenest sense of sympathy and interest

in all that concerned men of all sorts and conditions. He truly loved his fellows. He had compassion even for the erring. He found something good in everybody, but no mere sentimentality ever clouded his judgment or stayed the impetuous vigor of his condemnation of dishonesty or mere pretense. Not less characteristic than his broad sympathy was his genial and rescuing sense of humor. Sentiment balanced by humor produced in him a rare sanity of judgment and added to his great gifts of character and intellect the charm of a gracious and winsome personality.

It is now Resolved, That the Bar of the Supreme Court of the United States do hereby record their high appreciation of the long record of devoted and effective service rendered by William Howard Taft to the people of the United States in the many public employments to which he was called and especially in the exalted office of Chief Justice of the United States.

Further Resolved, That the Attorney General be asked to present these resolutions to the Court and to request that they be inscribed upon its permanent records. And that the Chairman of this meeting be requested to transmit a copy of the resolutions to the family of the late Chief Justice, together with the assurance of the sincere sympathy of the Bar in the great and irremediable loss they have sustained.

In presenting the resolutions to the meeting, Mr. ANDREW SQUIRE spoke of the great progress of the world in the seventy-two years of Mr. Taft's life; of the remarkable opportunities thus opened to him; of his early entry into public office; and of the incessant demands made upon his energy and ability, for the public service. Reviewing this career briefly, Mr. Squire affirmed that Mr. Taft, by his character and work, had achieved an outstanding position throughout the world, as one of the world's great leaders. In the perplexities of these changing times, it was well to stop and reflect on such a life as

Mr. Taft's—beloved by all who knew him—indeed by people everywhere—for his noble, generous and loving human qualities.

The Honorable ARTHUR C. DENISON, United States Circuit Judge for the Sixth Circuit, spoke as representative of the Circuit and District Judges.

He recalled how Judge Taft, on March 17, 1892, soon after the Circuit Courts of Appeals became fully organized under the Act of March 4, 1891, was appointed to be the junior of the two Circuit Judges in the Sixth Circuit and became within a few months the presiding judge. On that court Judge Taft served for eight years. He wrote 200 opinions of the court, four separate opinions and only one dissenting opinion. These are to be found in volumes 51-101 of the Federal Reporter.

During this entire period the old Circuit Courts were continued; they "were the trial courts for most of the civil cases; and the Circuit Judge could and did hold the Circuit Court frequently. The appellate work was not in those days crowding; Judge Taft enjoyed trial work, and held trial terms in many of the larger cities of the circuit. Thus he became known to the bar of his circuit, from Lake Superior down through Michigan, Ohio, Kentucky and Tennessee, as no other Circuit Judge had been before or has been since. In this *nisi prius* work also, important opinions by him were prepared as carefully and reported as fully as those in the Circuit Court of Appeals. The one of these eventually best known, though it was not the first of its kind, became the leading federal case on strike injunctions. It was with reference to this case that he later made his well known comment: 'To be known as the inventor of government by injunction is not a valuable political asset.'

"In 1892, the Circuit Courts of Appeals were an experiment. They took over from the Supreme Court a large part of its federal appellate jurisdiction. The first few years of operation would justify or condemn the experiment. It is fair to say that in these early years, no one

of those courts did more than that of the Sixth Circuit, under Judge Taft's leadership, to establish them in the public confidence. Its opinions—and, in large part, his opinions—touched every field of general litigation, as well as bankruptcy, admiralty and patents. For the patent law and its application Judge Taft displayed an unusual aptitude, and in that line many of his opinions of this period, both in the Circuit Courts and on appeal, have come to be generally accepted guides along the right road.

“Having had this part in the trial and proof period of these courts, and in laying their foundation, it must have been with particular pleasure, 25 years later, that he took the chief part in completing the structure, and seeing the Act of February 13, 1925, vest in them nearly all the appellate jurisdiction which a defeated party in the federal courts can invoke as of right.

“As the next outstanding feature of his relationship to our judicial family, I see his unflagging interest in the selection of judges. Probably no man ever had as great a total of influence upon the judicial personnel. While Circuit Judge he was hearty in supporting, or outspoken in opposing, those suggested for appointment in his circuit; while Secretary of War his advice was freely given and largely followed; while President he felt in extreme degree his duty—as a sacred duty—of making the best possible selections; and as Chief Justice, he let no merely technical canon of propriety prevent him from using his influence in what he thought the right direction. He often frankly said that his most distressing and heart-breaking experiences in public office were those instances in which mediocre or unfit judicial appointments were compelled by the exigencies of politics, or by the requirements of senatorial courtesy. On no other subject did I ever know his optimism to fail; on this subject he was dissatisfied with the present and afraid of the future.

“His latest contact point with us was in the Judicial Conference. This was created by the Act of September

14, 1922. The idea was largely, or wholly, his. He presided over seven of those meetings, hearing reports from or concerning each of the district and appellate courts, discussing and advising on the best methods, and shaping the Conference Reports. The senior circuit judges came to look forward to these annual meetings with him as a helpful part of the year's program; and we have shared his strong hope that it would develop into a real force for the betterment of our judicial system.

"Others have spoken, or will speak, more fully of his rare union—in my experience, unequalled union—of those qualities of character, mind and temperament which brought to him, in each of his successive spheres of action, the high respect and esteem of his associates in that sphere, and of the great body of the impartial and thinking public; but underlying all—and more important to his memory than all—were the impulses of his great heart. No finer and truer thing has been or can be said than is found in the letter from the Supreme Court judges upon his resignation (280 U. S. v). They speak of 'your golden heart, that has brought you love from every side—your spirit that has given life an impulse that will abide.' . . . He truly loved his fellow men. Therefore they loved him, and therefore it becomes, not trite praise, but simple fact, to say that upon the roll of the federal judges of our day, his name leads all the rest."

Mr. ELIHU ROOT said:

"Mr. Chairman: It was in this Supreme Court room, in the very place where I now stand, that I met Mr. Taft for the first time. He was then the young Solicitor-General and we were opposed in the argument of a cause in this Court. In the course of that case began an acquaintance which afterwards ripened into intimate and affectionate and loyal friendship.

"I do not think any one can appreciate any account of his character and service without keeping in mind his powerful and compelling personality. By this the signifi-

cance and effect of all his qualities were raised to the nth power.

“It has always seemed to me that there were four things determining his course in life. One was that he had an almost religious reverence, based upon firm conviction, for certain fundamental principles upon which the American experiment in self-government has rested. I think he inherited this from his father, who in his time played a great part in the government of our country as a lawyer and diplomatic officer and cabinet minister. His son was born and bred to the convictions upon which the Declaration of Independence and the Constitution of 1787 are based, and he never wavered in that faith.

“A second thing to observe is that he was by nature essentially a judge. He had a strong clear mind which readily reached definite and certain conclusions, and he had decision of character. But the way in which his mind naturally worked was to hear both sides before deciding. His instincts were for the judicial mode of action. That is the way he was built and it was always difficult for him to break away from that mode.

“It followed from his judicial make-up that it was difficult for him to adjust himself to many of the duties of executive office. He did not like to make those swift *ex parte* decisions which, whether right or wrong, are so frequently necessary for an executive. It followed also from his judicial instincts that it was difficult for him to adjust himself to the thoughts and feelings and methods of political life in a party sense. When he was thinking about public affairs he himself was not in the picture at all. A multitude of personal interests so potent in political affairs would naturally not present themselves to his mind. On the other hand, a multitude of ways in which political power is acquired or enlarged would naturally not occur to him. Accordingly, his work in the Presidency was hard work, while his work in the Court was easy and congenial. This accounts to a great degree for that extraordinary incident of his life—his amazing comeback after his defeat for re-election to the Presidency in 1912. He was such a good

loser, he accepted his defeat with such kindly philosophy, with such cheerful freedom from resentment or reserve, that he won universal admiration and friendship which continued to the day of his death.

“A fourth characteristic was one which rounded out his judicial quality. That was his broad and active human sympathy. He really liked and was interested in men, women and children. Wherever he went his dominating presence diffused a sense of genuine sympathetic interest. He was a strong and noble man and he was a dear fellow—a lovable fellow. Alas, that his glowing personality should be soon ‘hid in Death’s dateless night.’”

Mr. WILLIAM CABELL BRUCE, spoke particularly of “Taft, the Man.”

“In every moral and social sense, he was, by the common consent of his time, one of the very best of men. His walk was on the high places of the earth, but he was singularly free from all the vices and infirmities of character, which are so often associated with such a walk—arrogance, conceit, vanity, selfishness, callous or negligent disregard of the gracious proprieties, courtesies and charities, which, after all, constitute the true dignity, beauty and charm of human intercourse. I have never met any individual whose every thought, word, and deed was more deeply colored than his by the spirit of human love in all its highest manifestations. He was an affectionate brother, a tender husband, a devoted father, a true and steadfast friend. Good nature, kindness, benevolence, sympathy, affection, radiated out from him as if from some great orb, full of genial light and warmth. I can not believe that he ever did a mean, or an ignoble, or an unworthy, thing in his personal relations with his fellow creatures, or ever failed to respond to a genuine call of good feeling. There was a tie of sympathy between him and the lowliest thing that breathed. I can not conceive of a man or woman, however humble, or a child, however timid, that would not instantly have been put at ease by a smile or a kind word from him. His nature was too

generous and tolerant to countenance sectional prejudice, partisan rancor, or sectarian bigotry, and I like to think that one of the happiest moments of his public life was when he availed himself of an opportunity to strike a triple blow at all those hateful things by appointing to the Chief Justiceship of this Court, Edward Douglass White, a Confederate soldier, a Democrat, and a Catholic. If any man was ever estranged from him, and did not become reconciled to him, it was only because he was too unforgiving himself to reciprocate forgiveness. As we all know, some of the decisions of William Howard Taft, as a Circuit Judge, were bitterly resented by organized labor, but it affords me no little pleasure, today, to recall the fact that, only a few years ago, I heard Samuel Gompers, the President of the American Federation of Labor, tell, in a public address, how, a few days before, Chief Justice Taft—that charming man, Gompers termed him—had met him casually on a railway train, advanced towards him, with a smiling face, and grasped his hand, exclaiming, as he did so: ‘How are you, my dear old enemy?’

“He is gone! and we may well believe to a sphere where his loving nature is universal. He is gone! and, to borrow a poetic thought from Matthew Arnold, the night, in ever-nearing circle, weaves its shade about us, who were his contemporaries, and still survive him. But one thing is certain. As long as we shall survive him, we shall deem it a high privilege to have enjoyed the companionship, at times, of such an able, upright, faithful, and famous public servant, such an exemplary citizen, such an admirable, amiable, and captivating man; such an ornament, in every respect, to human nature, as William Howard Taft.”

Mr. WILLIAM MARSHALL BULLITT spoke briefly of Judge Taft's decisions, commenting particularly upon *Penn Mutual v. Mechanics Savings Bank*, 72 Fed. 413; *United States v. Addyston Pipe & Steel Co.*, 85 Fed. 271; *American Foundries v. Tri-City Council*, 257 U. S. 184; *Truax v. Corrigan*, 257 U. S. 312; *Stafford v. Wallace*, 258 U. S. 495; *Wisconsin Railroad Commission v. Chicago, B. & Q. R. Co.*,

257 U. S. 563; *Dayton-Goose Creek Ry. Co. v. United States*, 263 U. S. 456; *Ex parte Grossman*, 267 U. S. 87; *Coronado Coal Co. v. United Mine Workers*, 268 U. S. 295; *Child Labor Tax Case*, 259 U. S. 20; *Hill v. Wallace*, 259 U. S. 44; and *Myers v. United States*, 272 U. S. 52.

The speaker called attention to the perfect impartiality of Judge Taft's attitude towards capital and labor. "He was scrupulously careful of the rights of labor to strike; but, with equally great force, he denied both the right of capital to combine to restrain trade and monopolize business, and of organized labor to coerce, by boycott, intimidation or violence, the non-union worker or the business man who would not submit to their demands for the closed shop."

"He delighted in maintaining his association with practicing members of the bar. While ever kind and thoughtful in his relations with them, he insisted upon the maintenance of the highest professional ideals, which were reflected in two of his late opinions: *Weil v. Neary*, 278 U. S. 160, and *Harkin v. Brundage*, 276 U. S. 36.

"Only those who practiced before him while he was a circuit judge in the Sixth Circuit can appreciate the affectionate regard in which he was held by the bar throughout the four States of Michigan, Ohio, Kentucky, and Tennessee—a feeling which rallied their almost unanimous support to his campaign for the Presidency."

Following is a letter sent to the Solicitor General by Hon. ROBERT S. MARX, the last of the Judges of the Superior Court of Cincinnati, which went out of existence November 30, 1925:

NOVEMBER 28, 1930.

HON. THOMAS D. THACHER,

Solicitor General of the United States,

Washington, D. C.

DEAR MR. THACHER: I wish to acknowledge the notice of the meeting of the Bar of the Supreme Court of the United States to take appropriate action in memory of the late Mr. Chief Justice Taft. I regret that I can not be present to testify to the great service rendered by Judge Taft as a member of the Superior Court of Cincin-

nati. I was the last Judge of this great Court, upon which Judge Taft began his judicial career.

In my office there is a copy of the Bible upon which Judge Taft was first sworn as a Judge. I find on the fly-leaf these words:

“The old Bible on which all the Judges of the Superior Court had been sworn into office was consumed in the Court House fire.

“On his retirement by resignation March 7, 1887, Judge Harmon presented this Bible to the Court, having first used it in administering the oath of office to his successor Judge William Howard Taft, who was the first to assume the office in the new Court House.

“March 7, 1887. William H. Taft again sworn thereon May 7, 1888. Full term.”

The name of the Judge is in his own handwriting as are the names of the other eminent members of the Court, which included Alphonso Taft, father of William Howard Taft, and later Attorney General of the United States and Minister to Russia; Stanley Matthews, later United States Senator and Justice of the United States Supreme Court; Judson Harmon, later Attorney General of the United States and Governor of Ohio; Joseph B. Foraker, later Governor of Ohio and Senator of the United States; Edward F. Noyes, later Governor of Ohio and Minister to France; George Hoadley, later Governor of Ohio; William Y. Gholson, later Judge of the Supreme Court of Ohio; Stanley Merrill, later Judge of the Supreme Court of Ohio; Smith Hickenlooper, at present Judge of the United States Court of Appeals; and many other distinguished jurists.

The opinions of Judge Taft as a member of the Superior Court of Cincinnati rank alongside of the opinions of his father as a Judge of the same court and are still cited as landmarks of Ohio law.

In delivering the valedictory of the Court, November 30, 1925, Governor Harmon said:

“Its decisions were published separately in three series of reports, and have often been cited as authority in the highest Courts of the country . . . Besides its unusual eminence as a judicial tribunal, partly no doubt because of it, the personnel of the Court has been rich in contributions to both State and Nation in other important fields of service. There is hardly one, if there be any, from

those of President, Chief Justice, Ambassadors, Senate, Governors down, to which it has not supplied men who won distinction there."

On the same occasion, Judge Taft, the Chief Justice of the United States, paid the following tribute to the Court upon which his father and upon which he began their judicial careers. Judge Taft said in part:

"The Superior Court will cease to be on Monday, November 30, upon the expiration of Judge Marx's term . . . Beginning with the new constitution and the inauguration of the new code of procedure, the Court took its place in the judiciary of the country and acquired a reputation reaching quite beyond its local jurisdiction. The personnel of the Court at the outset, consisting of Judges Bellamy Storer, Wm. Y. Gholson and Oliver Spencer, was one that was certain to give its judgments distinction and importance. And after these came a long line of distinguished lawyers and leaders of the Cincinnati Bar . . . and of the country. It seems to have been, too, a school of statesmen. I am very sorry that it is going out of existence . . . it has had a most honorable and unique history, and all its members, I am sure, cherish with pride having sat on it."

WM. H. TAFT.

Thus, the career of William Howard Taft began as a great member of a *nisi prius* Court, many of whose members seem to have been men of destiny.

As a former Judge of that Court and as a member of the Bar of the Supreme Court of the United States, who was privileged to know and love William Howard Taft, I send these flowers, plucked from his judicial service of nearly fifty years ago, to lay upon his shrine.

Very truly yours,

ROBERT S. MARX.

A pamphlet, published by the Committee, contains in full the addresses above mentioned and the eulogies in Court that follow. There also will be found: a message addressed to Mrs. Taft by Hon. Orestes Ferrara, Ambassador of the Republic of Cuba, on behalf of his Government and People, and joined in by Señora Ferrara; resolutions adopted by the House of Representatives of the United States, March 10, 1930 (281 U. S. VI); a tran-

script of memorial proceedings at a special session of the United States Circuit Court of Appeals for the Sixth Circuit, held at Cincinnati, on March 11, 1932, at which Judge Arthur C. Denison presided and Joseph Wilby, Esq., of the Cincinnati bar, and Judge Denison delivered addresses⁴; resolutions adopted by the bench and bar of the District Court of the Canal Zone, Balboa Division, Hon. James J. Lenihan, D. J., presiding; a eulogy delivered at a session of the Supreme Court of Porto Rico, by its Chief Justice, Hon. Emilio del Toro; extract from the minutes of the District Court for the Judicial District of Ponce, Porto Rico, Hon. Angel Acosta presiding; a message on behalf of the Supreme Court of Texas, signed by Hon. C. M. Cureton, Chief Justice; resolutions adopted by the General Assembly of the State of Rhode Island; resolutions adopted by the Senate of the Commonwealth of Kentucky; resolutions of the Senate and General Assembly of the State of New Jersey; a tribute from the Bar Association of the City of Cincinnati; resolutions of the Buncombe County Bar Association, Asheville, North Carolina; resolutions of the Governing Board of the Pan American Union; resolutions adopted by delegates of the Chapters of the American Red Cross in their Annual Convention, and resolutions of the Board of Incorporators of the American Red Cross; resolutions adopted at the annual meeting of the Massachusetts Society of Mayflower Descendants, in which is set forth Mr. Taft's lineal descent from Francis Cooke, a passenger on the Mayflower; a resolution of the Board of Assistants of the Society of Mayflower Descendants in the District of Columbia; resolutions adopted by the President and Fellows of Yale University; a tribute from Mr. Taft's Class of 1878, Yale University; memorial verses entitled "Great Heart," by Mr. Henry C. Coe of that Class; a copy of a memorial address delivered in the Mur-

⁴All of the superior courts sitting at Cincinnati were represented, namely, the federal Circuit Court of Appeals and District Court; the Ohio State Court of Appeals; the Courts of Common Pleas of Hamilton, Hancock and Washington Counties. All of their judges were present except two or three, who were absent unavoidably.

ray Bay (Canada) Protestant Church, by Mr. Albert Chapin.⁵

⁵“The formal presentation to this Church of a Memorial to Mr. Taft who was associated with it for many years makes it fitting to glance at the past. Nearly forty years have elapsed since Mr. Taft first came to Murray Bay. At that time Murray Bay was an undeveloped resort. Those who came here found a spacious land of woods and waters, a mighty river, a bay never at rest, a climate which spared them the visitations of torrid heat, a sense of remoteness and calm. Charmed by the beauty of the scene, the comfort, the serenity of the life, they came again. Others followed, and in increasing numbers, until presently Murray Bay ceased to be a resort in any special or limited sense, and became a community.

“It was not an ordinary community. The Dominion and the States conspired to build it up. All were drawn here by the attractions of the region. Impelled by a common purpose, and with deliberation, they were here gathered together. Such a community was sure to be characterized by intelligence, discernment, discrimination. Among its members were men of distinction, families of culture and social charm.

“Nothing could have been more felicitous in the life of Mr. Taft than that he should find himself a member of such a community. For Mr. Taft was possessed of an unbounded capacity for friendship. We can imagine such a quality lost or wasted; but here this community, endowed as it was, disclosed a singular, a striking, fitness to recognize, to welcome, to appreciate, and to reciprocate Mr. Taft’s gift and genius for friendship.

“Then there ensued the phase in the social life of Murray Bay with which we all are familiar. Between the community and Mr. Taft, there was established a warm, rational, sure, affection rarely found at any place or time, admirable in itself, gathering strength with the passage of the years, delightful in its manifestations, winning and captivating as it developed in various forms. His birthday in his later years became an event. With him we may well believe the depth of feeling was rooted in the days when Murray Bay was primitive; and if we may unveil the recesses of the heart, he found in it the joy of the Happy Warrior as portrayed in the verses which he loved . . .

“For the activities of his life, as we all know, were displayed upon a broad, an exalted plane; and yet, no matter with what lustre his name may have been illumined, no matter what distinction or achievement should be placed to his credit, nothing was nearer or dearer to him than the affection of his friends in Murray Bay. And today that affection finds its final expression in this Memorial.”

SUPREME COURT OF THE UNITED STATES

Monday, June 1, 1931.

Present: The CHIEF JUSTICE, MR. JUSTICE HOLMES, MR. JUSTICE VAN DEVANTER, MR. JUSTICE McREYNOLDS, MR. JUSTICE BRANDEIS, MR. JUSTICE SUTHERLAND, MR. JUSTICE BUTLER, MR. JUSTICE STONE, and MR. JUSTICE ROBERTS.

MR. ATTORNEY GENERAL MITCHELL addressed the Court as follows:

“ May it please the Court: During the December recess of this Court members of its Bar assembled here to express their profound regret at the death of William Howard Taft, tenth Chief Justice of the United States, and to make a permanent record of their high regard for his devoted public service. That gathering included many men, themselves distinguished for public service, lifelong friends of the late Chief Justice, who paid eloquent and loving tribute to his memory. A minute was prepared, reviewing the principal events of his career, and the following resolutions were adopted:

[Mr. Mitchell then read the Minute and Resolutions already set forth (*ante*, p. vii) and continued:]

“ In obedience to those resolutions I am here to present them and ask that they be entered in the records of the Court.

“ Chief Justice Taft was my good friend, and I am grateful for the tradition which gives to the office I hold the high privilege of representing the Bar on this occasion.

“ The only man to hold the two greatest offices in the gift of the American people, he had a public career unparalleled in its variety, with great distinction as a teacher, a colonial administrator, and executive, but it is

fitting in memorial exercises by the members of the profession that he loved, and for the archives of this Court, that we speak chiefly of his service to the Court and to the cause of justice, and first of that part of his work recorded in the official reports.

“ During his service as Chief Justice the Court delivered fifteen hundred and ninety-six (1,596) opinions. One-ninth of that number is one hundred and seventy-seven. He delivered two hundred and fifty-three opinions for the Court, or one-sixth of the total. The nature of the cases and the labor required in each would have to be examined to judge accurately of his relative efforts, but he did his share.

“ This is not the occasion to review his judicial opinions at length, but a study of them reveals these things: His public life and experience as an administrator and executive had developed a wisdom and common sense which are disclosed in these writings. His opinions are of the kind which are useful to lawyers. They not only decided the cases presented but they are charts for the future. The style is simple and direct, and he never clouded his thought by self-consciousness in expression. His judgments disclose prodigious energy expended in study and research.

“ In assigning cases to members of the Court for preparation of opinions he gave to himself at least an equal share of those dull ones which were interspersed with the important matters before the Court. He seemed to take a special interest in patent and trade-mark cases. He had an unusual facility in that field, and wrote many fine opinions in important patent litigation. It is in constitutional law that his greatest judicial work was done. Of his two hundred and fifty-three opinions seventy dealt with important constitutional questions. That in the *Myers* case, settling a controversy as old as the Union, respecting the President's exclusive power of removing executive officers, alone would mark him a great constitutional lawyer. The opinions he delivered from this

bench, together with two hundred and four others, rendered during his service as a United States Circuit Judge, form an enduring monument to his high judicial qualities.

“Beyond his performance of the routine tasks of a Chief Justice is other service for which we should be grateful.

“When he began his work here as Chief Justice the Court was eighteen months behind in disposing of the cases before it. He took a leading part in devising and procuring the passage by Congress of the Act of February 13, 1925, which gave the Court a wide discretion to decide what cases should be brought before it for review; and with that change in procedure as a starting point he and his associates set about the task of bringing the work up to date, with such determination and driving force that at the end of his service as Chief Justice, in February, 1930, the business of the Court was practically current; and with the completion of that task during the past year it may no longer be said that appeals to this Court are a means of delaying justice or allowing criminals to postpone punishment. Under his leadership this Court has set an example to the courts of the land, and brought home to the profession that it should no longer be taken for granted that courts must always be behind in their work.

“During his incumbency Congress enacted the laws authorizing the construction of a building to be occupied by the Court and its officers. He had largely to do with that and gave constant thought and effort to obtaining the necessary appropriations, acquiring the site, and above all in seeing to it that the building when completed shall be a dignified and beautiful structure. This project was dear to his heart, and we regret that he did not live to see the fulfillment of his efforts. The new Supreme Court building when completed will itself be a memorial of one of his services to the Court.

“He had much to do with the enactment of the law authorizing the Judicial Conference presided over by the Chief Justice and attended by the senior circuit judges

of the ten judicial circuits, which annually considers the operation of our Federal judicial system for the purpose of bringing about administrative and legislative changes to increase efficiency in the administration of justice.

“By his influence for a high standard in judicial appointments he rendered inestimable service to the cause of justice. As President he appointed five Associate Justices and one Chief Justice of this Court and many judges of the other Federal courts. He spoke of this Court as the chief bulwark of the institutions of civil liberty created by the Constitution, and viewed the appointment of members of the Court as the most sacred duty with which he, as President, was charged. During all his public career, in whatever office he held, his influence was exerted to elevate the standards for judicial appointments and to combat the pressure of political expediency for the selection of mediocre men.

“With all the other demands upon him, he took time to see old friends, to find new ones, to address gatherings of his fellow citizens, and to make those many public appearances expected of one in his position. His big, warm personality, kindness, and humor, with that infectious chuckle of his, will never be forgotten by those who knew him.

“None of our institutions is so impregnable that popular confidence in and respect for it are not to be desired, and it is well for this Court and for the constitutional rights and liberties which it guards, each time there is chosen for Chief Justice one who in the public estimation is so preëminently fitted that his appointment is generally acclaimed. Chief Justice Taft had that fortunate distinction. What training for this high office could have excelled his? From early youth he was continuously in the public service. Within a year after his admission to the Bar he became prosecuting attorney of his county, then judge of a Superior Court. Forty-one years ago, in this very spot where I now stand, he commenced his service for the Nation, as Solicitor General of the United

States, and, with but a short interlude, he continued in the Nation's service until he ended it, again in this room, as Chief Justice of the United States. From Solicitor General to United States Circuit Judge, then president of the Philippine Commission, civil governor of the Philippine Islands, special representative of his Government on delicate diplomatic missions, Secretary of War, and President. What a preparation for high judicial office! When finally the opportunity came to place him on this Court, the whole Nation knew that he was qualified by character, learning, and experience. It trusted him and believed in his judicial qualities and in his big-hearted understanding of the problems of plain people.

"He had always yearned for service on this Court. His was a judicial mind. Political life was not congenial to him; but fate seemed bound to draw him against his will into the field of political and executive action. It has been said that because of his judicial instincts it was hard for him to adjust himself to the thoughts and feelings and methods of political life in a party sense. Nevertheless, twice he regretfully refused appointment as an Associate Justice of this Court because he felt he could not desert administrative responsibilities.

"He made no secret of his interest in judicial work. Millions of his fellow countrymen knew of these things and sympathized with his aspirations. They held him in affectionate regard. When, in 1912, his party, torn by dissension, went down to defeat and he failed of reelection to the Presidency, his lack of bitterness or rancor, his smiling acceptance of his defeat, his frank and humorous public statement that he had retired from the Presidency with the full consent of the American people, met with instant response in the public mind, and from that moment, to an extraordinary degree, he found a place in the affections of the Nation. So, when he came at last to the great office of Chief Justice, he had the entire confidence and respect of great numbers of his fellow citizens. He held them to the end. His very presence on

this Court quickened public interest in its functions, strengthened it in the public regard, and helped to maintain it as the bulwark of the Constitution."

The CHIEF JUSTICE responded:

"Mr. Attorney General: In receiving the resolutions which you have presented, we recognize that of all the tributes that have been paid to the memory of this eminent statesman and jurist, there could be none which would have been more highly prized by him than this tribute coming from the profession which he loved, in recognition of the distinction of his service to the cause which was nearest to his heart.

"Blessed by forbears who had achieved high repute by virtue of eminent talent and public spirit, it may be said that William Howard Taft was born to the purple of the highest advantages which our democracy affords. It was natural that his winning personality, giving play to marked ability, without suggestion of condescension, and distinguished by a nobility of character which scorned all that was sordid, base, or narrow, should have opened early the door of opportunity for public service. The gracious leadership of his youth in the circle of the university prefigured the position which he at once took at the junior bar; and after showing his mettle in his native city as prosecutor and judge, he came, at the age of thirty-three, to the office of Solicitor General of the United States. From that time until his death, he exemplified, in varied undertakings of grave responsibility, the finest type of public servant and enjoyed an increasing general esteem, until, in the closing years, after the wounds of political strife had been healed and the victories of a magnanimous spirit had been acclaimed, he was enriched beyond any man of his time with the wealth of a universal affection.

"In other places, there have been, and will be, appropriate appreciation of his services as the representative of his country in novel and important duties as executive head of the new government in the Philippines, and as

Secretary of War and Chief Magistrate of the Republic. It is for us to recognize with gratitude, and with a deep sense of obligation and of loss, his labors in this Court, which brought his career to the fullness of illustrious accomplishment.

“ Chief Justice Taft came to this service with a prestige which added weight to his pronouncements. But in the realm of lofty and conspicuous endeavor, success is never guaranteed by past achievements. It must be re-won daily, and even the highest prestige is put to fresh proof by the inescapable responsibilities of decision. Chief Justice Taft entered the Court with a distinguished reputation, but he left it with an even greater fame securely established.

“ This was due to his special qualifications for judicial office, by virtue of training, aptitude and temperament. His training began, as I have said, almost as soon as he was admitted to the bar. When he took executive office at the age of forty-three, he had served nearly eleven years upon the bench, and for eight of these years as United States Circuit Judge. In that work he was indefatigable, not only in the Circuit Court of Appeals but at trial terms. One who knew intimately his labors in those days has said that Judge Taft became known to the bar of his circuit as no other circuit judge had ever been before or has been since. Nor was he content with the range of his judicial duty, but in his enthusiasm for legal study he took a leading part in law school organization and teaching. The learning and strength of his judicial opinions as a Circuit Judge made him widely known. His interest was not simply in the right adjudication of particular cases, but in jurisprudence, and he consistently labored in the interest of system and coherence. It was his effort to master the special subject in hand so as to utilize it in giving a chart for the future. A conspicuous instance of this is his opinion for the Circuit Court of Appeals of the Sixth Circuit in *United States v. Addyston Pipe & Steel Co.*, delivered in 1898 (85 Fed. 271), containing what was, at that time, perhaps the most thorough expo-

sition in the American reports of the law relating to restraint of trade. The judicial service of his young manhood was rendered with a zest which never abated. And his duties and experiences in executive office heightened for him the never-failing charm of the judicial career, by reason of its independence and impartiality, and its devotion to what he believed to be the paramount interests of the administration of justice. Having begun as a student of the law, he returned to his legal studies when released from executive responsibilities, and as a lecturer on constitutional law he completed his preparation for the great task to which manifest destiny was to call him.

“To Chief Justice Taft, the administration of justice was never an abstract conception, to be extolled in vain phrases and with but slight regard to changes in social conditions and to existing deficiencies. While holding in contempt the fanciful schemes with which the administration of justice in this country is threatened from time to time, he was ever pointing out its shortcomings and laboring for its improvement by practicable remedies. It was this concern which gave him a peculiar sensitiveness with respect to the qualifications for judicial office. He realized profoundly that the chief defects of the administration of justice lie in men rather than in method. A good judge, using the means at the command of an alert and informed mind, will find but rarely that he cannot force his way through to effective action. No duty seemed to President Taft more important than that of selecting federal judges. It was his special concern while he had the responsibility of appointment; and his solicitude continued and was constantly expressed after he became Chief Justice. It has fallen to but three Presidents since Washington to appoint a majority of the members of this Court. President Jackson appointed Chief Justice Taney and four Associate Justices. President Lincoln appointed Chief Justice Chase and four Associate Justices. President Taft appointed Chief Justice White and five

Associate Justices. In no act of Mr. Taft's career was his estimate of the requirements of judicial office, and his emphasis upon its proper independence of partisan considerations, more strikingly shown than in his appointment of Chief Justice White, of a different political faith, but who had represented upon the bench the highest standards of judicial conduct. And we are admonished of the rapidity of the changes in this Court, despite the apparent permanence afforded by the tenure of office, when we reflect that when Chief Justice Taft came to the bench ten years ago, only two of his appointees were still in service.

“No learning or information comes amiss to a Justice of this Court. Its members have been drawn from many fields of activity, and to its conferences are brought the wisdom derived from varied experiences in different parts of our land. By reason of the variety and importance of his previous official duties, Chief Justice Taft had in this respect an unusual equipment. The learning and industry of the judge were reënforced by the special knowledge gained in statecraft. He had abundant opportunity to apply this knowledge, and it was applied with judicial independence. As illustrating this, and also as exhibiting the quality of his judicial opinions, reference may be made to *Balzac v. Porto Rico*, 258 U. S. 298, and *Yu Cong Eng v. Trinidad*, 271 U. S. 500, dealing with fundamental questions relating to the administration of our insular possessions; to *Stafford v. Wallace*, 258 U. S. 495, sustaining and construing the Packers and Stockyards Act; to *Ex parte Grossman*, 267 U. S. 87, upholding the power of the President to pardon criminal contempts; and to *Myers v. United States*, 272 U. S. 52, sustaining the President's power of removal.

“Because of the interest which he had shown throughout his public life in the problems affecting labor, Mr. Taft was appointed, when the United States entered the War in 1917, co-chairman of the War Labor Board. And

when he came to this Court, no one had a more intimate knowledge of labor conditions in this country or was more highly respected by all those concerned in industry, whether as employers, managers, or employees. There can be no doubt of his special interest in the decisions of this Court affecting labor questions, and upon these questions he delivered many of the Court's most important opinions; as, for example, in *American Steel Foundries v. Tri-City Central Trades Council*, 257 U. S. 184; in *United Mine Workers v. Coronado Coal Company*, 259 U. S. 344 and 268 U. S. 295; in the *Pennsylvania Railroad Company Cases* relating to the function of the United States Railroad Labor Board, 261 U. S. 72 and 267 U. S. 203, and in *Charles Wolff Packing Company v. Industrial Court of Kansas*, 262 U. S. 522, with respect to the extent of the authority of the State in the regulation of wages in industry.

“Chief Justice Taft had also the technical knowledge and aptitude which gave him a special interest and authority in patent cases, and his skill in this difficult branch of jurisprudence is illustrated in such leading opinions as those in *Eibel Process Company v. Minnesota & Ontario Paper Company*, 261 U. S. 45, and *Corona Cord Tire Company v. Dovan Chemical Corporation*, 276 U. S. 358. The Chief Justice always had an open mind with respect to the necessary adaptation of the authority of government, especially in relation to the broadening requirements of interstate commerce under modern conditions. This was conspicuously shown in the opinions that he delivered for the Court as to the power given to the Interstate Commerce Commission by the Transportation Act of 1920, among which may be noted, as of permanent importance because of the principles definitely established, those in the cases of *Railroad Commission of Wisconsin v. Chicago, Burlington & Quincy Railroad Company*, 257 U. S. 563, relating to the power of the Interstate Commerce Commission over intrastate

rates, and *Dayton-Goose Creek Railway Company v. United States*, 263 U. S. 456, with respect to the recapture provisions of the Interstate Commerce Act. To the growing volume of jurisprudence dealing with controversies between States, he made a notable contribution, especially in the case of the *Chicago Drainage Canal*, 278 U. S. 367, and in that of *North Dakota v. Minnesota*, 263 U. S. 365, which clearly laid down the essential bases for recovery by one State claiming injury by reason of operations conducted by another. I have not attempted the impossible task of making, upon such an occasion as this, a comprehensive survey or even a just estimate of the judicial service of the late Chief Justice, and I have sought to cite but a few of the many important opinions in which he touched every department of the law as laid down by this Court and which stand as imperishable memorials to his ability and conscientious labor.

“Chief Justice Taft had, as has well been said, ‘an almost religious reverence’ for the fundamental principles of our system of government. To quote his own words: ‘In the federal constitution there were embodied two great principles, first, that the government should be a representative popular government, in which every class in society, the members of which have intelligence to know what will benefit them, is given a voice in selecting the representatives who are to carry on the government and in determining its general policy. On the other hand, the same constitution exalts the personal rights and opportunities of the individual and prescribes the judicial machinery for their preservation, against infringement by the majority of the electorate in whose hands was placed the direction of the executive and legislative branches of the government.’ That was his confession of faith. And he had no sympathy with any attempt to undermine the fundamental protection of fair individual opportunity upon the assumption that social riches could be gained through individual impoverishment. He

stood emphatically for the limitations of government under the Constitution and was unwilling to see these limitations exceeded even when legislative phrases were used which would otherwise have been appropriate to the exercise of legislative power. This was conspicuously shown by his opinion in delivering the judgment of the Court holding invalid the Child Labor Tax Law (259 U. S. 20), as infringing upon the reserved power of the States. 'To give any such magic,' he said, as was sought to be attributed, 'to the word "tax" would be to break down all constitutional limitation of the powers of Congress and completely wipe out the sovereignty of the States.' But he did not regard the country, as he expressed it, as 'tied to the defects of the past or present,' and he looked for a sure progress through discriminating and far-sighted legislators and through judges of broad vision but imbued with the spirit of the Constitution.

"Chief Justice Taft rarely dissented. In the multitude of cases to which you have referred, Mr. Attorney General, which were decided during his incumbency, I find but seventeen in which he expressed dissent, and in but three of these did he write the dissenting opinion.

"Deeply concerned with improvements in administration, the Chief Justice gave special attention to his own duty as administrator. Even the distinction of his contribution to the jurisprudence of the Court does not obscure, but throws into a stronger light, by reason of his versatility, his preëminence in the executive department of its work. In the successful endeavor to end the delays which bring such a deserved reproach upon judicial procedure, he was ever a leader, and he would have been the first to recognize the able support which he received from his colleagues in this effort. It was not a vain attempt to bring the Court up to its work by a spasmodic activity, but the intelligent formulation of a plan which, receiving the sanction of Congress, has put the Court, we trust permanently, upon a basis by which it can keep

abreast of the demands upon it. So long as we follow the example which he has set and avail ourselves of the opportunity which his leadership provided, the delays of justice will have no countenance or illustration here.

“But the Chief Justice was not content with expediting the work of this Court. He felt a special responsibility with respect to the entire Federal judicial system. Many years before he came to this bench, he had suggested that either the Supreme Court or the Chief Justice should have an adequate executive force to keep current watch upon the business awaiting dispatch in all the districts and circuits of the United States and to make a periodical estimate of the number of judges needed in the various districts and to make the requisite assignments. In a different manner, it was sought to attain the object he had in view by the establishment, in 1922, through his persistence, of the Judicial Conference of the Senior Circuit Judges, held annually, at which the Chief Justice of this Court presides, and which considers the needs of judicial service in the different districts and makes recommendations accordingly. This is an instrumentality of great value, and what it has accomplished and the promise of what it may achieve are due in the largest measure to the foresight and intelligent guidance of Chief Justice Taft.

“No appreciation of the late Chief Justice can stop with appraisal of his intellectual power, or his juristic and executive achievements, or his moral worth. The glow of his warm heart shone through all his activities and irradiated all his associations. As with every virile character, he had ardent sympathies and strong dislikes. But he could not cherish ill-will or long harbor a sense of injury. He carried with him an invincible armor of kindness against which the shafts of opponents had proved harmless. With him, service in the temple of justice was not an austere performance, with the ill-grace of an unnatural aloofness, but a necessary human endeavor, with

the dignity of lofty purpose, but pursued with a benignity and an affection for his fellows which made his presence in that temple a constant benediction.

“I should, in these last words, permit those to speak who were associated with him in this work, and I can do no better than to quote what they said to him upon his retirement: ‘You came to us from achievements in other fields, and with the prestige of the illustrious place that you lately had held, and you showed in a new form your voluminous capacity for work and for getting work done, your humor that smoothed the rough places, your golden heart that has brought you love from every side, and, most of all, from your brethren, whose tasks you have made happy and light.’

“There are those here who have witnessed these memorial exercises in honor of three Chief Justices. In the midst of our efforts, engrossed with present demands, we are moving with a steady and inescapable progress toward the inevitable end. The figures of to-day, like those of yesterday, will soon be replaced, and the best endeavors, striking as they may be in their immediate aspect, will soon form but the background of another picture. Without illusion, and with steady will, we continue in our task, heartened by the exemplars of our faith, among whom no one has a more inspiring or abiding influence than that of the late Chief Justice.”