

PROCEEDINGS IN MEMORY OF MR. JUSTICE
SANFORD.¹

At the same meeting of the Bar of December 13, 1930, which honored the late Chief Justice (*ante*, pp. v *et seq.*), a committee² appointed by the Chair reported the following:

RESOLUTIONS

Resolved, That the members of the Bar of the Supreme Court desire to express their profound regret at the death of Edward Terry Sanford, late Justice of the Supreme Court, and to record their high appreciation of his life and character and of his conspicuous and faithful service to his country. He was born on July 23, 1865, in the State of Tennessee. He graduated from the University of Tennessee, and then entered Harvard College, where he continued his studies; later on studying in European Universities and at the Harvard Law School. He became a member of the Bar of the State of Tennessee, and practiced at Knoxville and throughout the State until the year 1907, when he became one of the Assistant Attorneys General of the United States. After a year in Washington, he accepted the office of United States District Judge for the Middle and Eastern Districts of Tennessee. He served, as such District Judge, for fifteen years, with marked ability and with the love and respect of the Bar and community. He gave much of his time to the cause of education; was Chairman of the Board of Trustees of

¹See 281 U. S. III, v.

²The composition of the committee was as stated *ante*, p. vii, excepting Mr. Squire.

the George Peabody College for Teachers; also Trustee of the University of Tennessee. He was, at one time, President of the Alumni Association of the University of Tennessee, and later, President of the Alumni Association of Harvard College. In the year 1923, President Harding named him as Justice of the Supreme Court to fill the vacancy arising upon the resignation of Justice Pitney. He served on this Court with great distinction from the time of his qualification until his untimely death on the 8th day of March, 1930, at the early age of sixty-four. He had a personality of unusual charm, and was a most gifted speaker. He was a lover of literature and the arts; was widely read and deeply experienced in law and jurisprudence. He had ardent patriotism and a high sense of public duty. His work upon the Supreme Court was thorough, conscientious, and exacting, and had the high commendation of his associates and of the Bar. His death is his country's loss, and is mourned by the great circle of his friends and associates both upon the Bench and at the Bar.

Resolved Also, 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 these resolutions to the family of the late Justice with an expression of our sincere sympathy in their bereavement.

In presenting the resolutions, Mr. CHAUNCEY G. PARKER said:

“Mr. Chairman: Edward Terry Sanford was born in the year of the conclusion of the Civil War, of parents who had had little to do with the struggle over slavery, but was nurtured during his adolescent years in a community that was divided in its aspirations and efforts by that great struggle. For the loyalist to the North and the loyalist to the South both contributed to the atmosphere in which he grew up. He could not have failed

to be influenced by both of these conflicting currents; and when his early education was done, it was not surprising that, having as he did the influences of a Northern father, and undergoing at the same time a Southern training, he should have aimed to be representative of both. No doubt his Northern blood turned his steps to Harvard College, and his Southern environment made him turn back to the South for his life work and career. As his mother was of Swiss descent, he received naturally an impulse to European travel and education. So after leaving Harvard he spent a year in Germany and France for instruction in languages and foreign economy, and incidentally for a visit to Lausanne to meet his kin belonging to his mother's family. Then he returned to practice law in his native State.

“Knoxville lies in a broad valley between two important mountain ranges—the Cumberland and the Alleghanies. The Cumberland Mountains divide the State of Tennessee in half—to the east lies the territory tributary to Knoxville, and to the west the lowland reaching to the Mississippi. Between North Carolina and Tennessee lie the Alleghanies, the Great Smoky Mountains as writers call them, shrouded in forests and clouds and inhabited by grim mountaineers with the traditions of pioneer days. When forests were everywhere, the water courses were the only highways, and the Cumberland River helped pioneers to reach the West. Many of them stopped at Knoxville and made their homes there. Highways and railroads followed through the valley of the Cumberland and added importance to Knoxville, nestling in the valley, half way from Virginia and North Carolina to the lowlands.

“Sanford, with his Northern and European equipment, distinguished for general scholarship and in law, ambitious for distinction at the bar and in public life, took his place in this small community. How fascinating must have been the struggles before court and jury, the close touch with his fellowmen, and the excitements of the court trials,

all so different from the drudgery of a big office in a large city! How delightful the opportunity for study and thought, and how satisfactory the consciousness that he could aid the development of this growing community by his familiarity with the larger problems of the great world.

“For nearly a score of years he was active at the Bar, on the forum, and in the community. In 1907 President Roosevelt picked him for the Department of Justice and made him an Assistant Attorney General. A year later he was sent back to Tennessee as Judge of the United States District Court for Eastern and Middle Tennessee. He was then only forty-three. Opportunity of wealth at the bar was ready at hand. But he saw a greater opportunity in service to his country and he chose it. For in a Southern State, the office of Federal Judge is unique. Our Federal Government usually takes little part in the domestic affairs of its citizens. What little part it does take is emphasized in the Federal Court. The Federal Judge embodies the authority of the Federal law, and makes many decisions that must grate upon the customs of the people. Sanford’s work in the Federal Court brought him in close touch with the people of his wide circuit of jurisdiction. The handling of matters of excise, especially where mountaineers were concerned, required tact and firmness. Sanford’s clearness of vision, his sympathy for the offender, and his steadiness in upholding the law won the respect and liking of the people. He delighted in the close contact with his brother lawyers. He was a regular attendant at the meetings of the bar associations, state and national, of which he was a member. And his reputation widened beyond the confines of his State. He was Charter Member of the Board of Governors of the Knoxville General Hospital; Vice-President of the American Bar Association; President of the Alumni Association of the University of Tennessee; Vice-President of the Tennessee Historical Society; Doctor of Laws from the University of Cincinnati; Chairman of the Board of Trustees of George Peabody

College for Teachers; Member of the Board of Trustees of the University of Tennessee; Vice-President of the Harvard Law School Association; President of the Harvard Alumni Association 1924; and LL.D. from Harvard University.

“ In the year 1923 a vacancy occurred in the Supreme Court by the resignation of Justice Pitney. At that time Tennessee already was represented in the Court by one of its citizens. Sanford was a man of great modesty and was astonished when a movement began to make him Justice. His fine work as District Judge was not enough to give him a claim on that exalted position. But there was a national appeal in his selection; for he was a representative of the South, acknowledged as such by the public men and citizens of that portion of our country, and yet he was a Northerner by parentage and by education. He was a Republican, yet beloved by both Democrats and Republicans alike. Our late great Chief Justice, who had known him intimately while Sanford was in Washington, added his advice, and President Harding named him. Then followed seven years of strenuous and confining work, gruelling work as any of the Justices will tell you—and Justice Sanford did his share, receiving the confidence, respect and good will of his associates and of the bar. At Commencement, in June, 1924, Sanford presided over the meeting of the Alumni of Harvard College. All those present will remember with pleasure his charming and appropriate words. In the same year he presided at the proceedings celebrating the Ninetieth Birthday of President Eliot. In the summer of 1924 he joined the American Bar Association on its trip to Europe. He spoke at the Harvard Law School dinner in Lincoln's Inn, and at the banquet given at the Guild Hall of the Lord Mayor and Aldermen of London. Later, at the reception given by the Bar of the City of Paris, in the Palais de Justice, to the members of the American Bar Association, he delivered an address in French.

“This is no place to attempt a review of Justice Sanford’s work in the Supreme Court from the lawyer’s standpoint. He was a sound Judge, most conscientious and painstaking in the study and consideration of every case. In the writing of his opinions he was never satisfied unless his words exactly and concisely expressed his thought. He was most careful to avoid any expressions which were not justified by the case before him, but his decision was always comprehensive and thorough. A member of the Court, when requested by the writer to indicate Justice Sanford’s outstanding characteristics as a Judge, emphasized his conscientiousness, his industry, and his fidelity to the Court’s decisions. His work on each case was never complete until he had examined and considered every aspect of the case. He was tenacious of views once formed and would never yield them unless controlled by earlier precedents. His opinions run through twenty volumes of the reports and cover many fields, but constitutional questions were nearest to his heart. His ability in handling these questions is exhibited particularly in the *Pocket Veto Case* and the *Gitlow* case, the latter involving the power of the [State] Government to regulate liberty of speech and of the press.

“In moments of relaxation, literature, music and art were his delight, but dearest to him of all was the companionship of his friends.

“At the age of sixty-four he died, suddenly, in the full possession of his mental powers and with what seemed to be the promise of a long life before him. His wife and one daughter survive him. As a Knoxville writer said—no story of his life nor any tribute to his character would be complete which did not take into consideration the wisdom and sweetness of his wife’s companionship, and what her presence meant to him. His self-forgetfulness and devotion to her, inspired her to a recovery during a perilous and prolonged illness terminating happily just before his death. As this Knoxville writer said—‘Few

lives have been more fully lived than his in all ambitions that were dreamed for it, or, in the full earnestness and honor with which high trusts were met and borne.'

"Let me close with his own words spoken at Commencement:

'We have gathered here from far and near; from the distant shores of the continent, and from the isles of the sea and the lands beyond. Youth and age have come; youth rejoicing in the splendor of life's morning; and age, steadfast in the majesty of its noonday, serene in the tender glow of its evening sky. Since leaving College we have traveled many pathways; we have worked and played, and loved and lost. We have walked in the sunshine upon flowery meadows, and trodden the dark shores of adversity; have known life's triumphs and its defeats; have drunk of its cup of happiness and of the bitter waters of its sorrow. We come back to-day to drink again the refreshing waters of life that spring from this sacred soil.'

"His was a blithe and valiant spirit."

Mr. WILLIAM L. FRIERSON said:

"Mr. Chairman: There are those in this assemblage who are here to do honor to the memory of one known to them only after he became a Justice of the Supreme Court. But we in Tennessee, where he grew to manhood, practiced law, and later presided over the District Court, honor the man we knew as Ed Sanford. We would hold him in affectionate and admiring memory if he had never held official position.

"When it is said that one who has passed away has, in private and public life, been always clean and honorable and useful, has practiced law in perfect harmony with the best ideals of the profession, and has been an able and just Judge, what more need be said? All this I can and do say of Edward Terry Sanford after enjoying an intimate and lifelong friendship with him.

"To say that one has sat in the seat of the mighty means but little if that is all that can be said. But it

means much to say that he has been equal to the responsibilities incident to the proper exercise of power. It is indeed a rich encomium to say that, when he occupied a place on the bench of the great Court which sits in this room, he was, in that exalted company, only among his peers. And that all this can truthfully be said of Mr. Justice Sanford is not to be gainsaid.

“The man for whom we mourn was not one of that host of Americans who have challenged our admiration because they rose from poverty and obscurity to distinction. He was well born and accustomed all his life to the society of cultured people. His father, in his time and in the community in which he lived, was rated a wealthy man. The son’s lot was one of, at least, comparative luxury and he was given the best of educational advantages.

“While he did not have the handicap of poverty, he did have what I have sometimes thought is almost as great a handicap,—the seductive temptation to a life of ease and pleasure, made possible by affluence, rather than one of earnest effort. The qualities necessary to overcome either of these handicaps are ability, force of character, ambition, and energy. And these are the qualities which our friend brought with him when he came to the bar, gifted by nature, splendidly equipped by education, and possessed of an unbending integrity and a grim determination to make a name for himself. We who have known him well do not doubt that he would have won distinction even if he had been born in lowly station.

“Let me give you a picture of him as I first saw him nearly forty years ago. He was but little beyond his majority and was glowing with the enthusiasm of ambitious youth. Accompanied by the charming bride, who is now his widow, he was attending, for the first time, a meeting of the Tennessee Bar Association. He had already attracted enough attention to give him a place among the banquet speakers. When he arose, erect,

handsome, clear eyed, smiling, perfectly at ease, and unabashed in the presence of his elders, I thought, as he spoke, and still think, that I had never seen a more splendid specimen of young manhood. His speech is the only incident of the meeting of which I have any distinct recollection. . . .

“ From that day, it was freely predicted that there was a young man who would go far in his profession. And this prediction speedily came true. Very soon he was a recognized leader among the young members of the bar. And, before many years, he had taken high rank among the best lawyers of his State, was actively participating in much important litigation, and had made a record which richly merited the judicial honors that later came to him.

“ In 1908, his appointment as District Judge came without his seeking and, in fact, over his protest. I happened to be one of a delegation of lawyers who called on President Roosevelt to urge the appointment of another Tennessean. The President, as was his wont, did most of the talking and finally said: ‘ I tell you, gentlemen, the man I want to appoint is Ed Sanford, but he won’t take it.’

“ His reluctance then to go on the bench was genuine. He was Assistant Attorney General and much enamoured of his work. He had come to think that, for a lawyer of his age, the position of all positions was that of Solicitor General, and entertained the hope that, if he remained in the Department of Justice, that office might, in time, be his. He was still young and loved forensic contests. He also felt that a degree of isolation was the lot of a Judge. And this, he felt, would deprive him of some of the intimate contacts with his friends which meant so much to him. But he finally yielded to the insistence of the President and began his judicial career as Judge of the Middle and Eastern Districts of Tennessee.

“ He brought to his judicial duties a well trained mind, a broad culture, unusual learning in the law, the practical

experience that comes from a varied practice; and, above all, an insatiate love of justice. As a judge, he presided with a grace and dignity which commanded universal respect for his court. In the hearing of cases, he was patient and open-minded, and, in their consideration and decision, painstaking and thorough. At first his intense desire always to be right sometimes made him seem to be slow in coming to a decision and caused him to take so seriously his responsibilities that his friends feared for his health. But when he became accustomed to the duties of the bench and more confident of his judgment, he was all that could be desired of a Judge. His judgments were not less able and conscientious, but they were arrived at with less strain on himself.

“In the administration of the criminal laws he was Judge and not prosecutor. The Government was only a litigant in his court suing for justice. It stood on a parity with the humblest citizen it accused. The Constitution and laws of his country were to be obeyed and not evaded by judge, government, and accused alike. If a guilty man could not be convicted without doing violence to those constitutional rights which are for the protection of all citizens, this Judge wanted him acquitted. Prosecuting attorneys sometimes listened with misgivings to his careful definition of reasonable doubt and would have preferred that he touch more lightly on that subject. But, in his correct conception of judicial duty, it was not for him to refrain from giving proper emphasis to any right which belonged to a defendant. When all is said, he was a learned and eminently just Judge.

“His record on the District bench earned for him the place which marks the attainment of the American lawyer's highest ambition. The time came when the President felt that the appointment to fill a vacancy on the Supreme Bench should go to the South. There were many Judges and eminent lawyers who were eligible. And it is a tribute to Judge Sanford's preëminence that

he was selected in spite of the fact that another Tennessean was already a member of the Court. His appointment was no mistake. The promise of efficient service which his record gave was amply fulfilled. He bore his full part in the labors of the Court. He does not suffer by comparison with the many great men through whose labors the Supreme Court has so interpreted the Constitution as to make our Government what it is today.

“Of Tennessee’s illustrious dead, the names of Catron, Jackson, and Lurton are conspicuous in the judicial history of the nation. And now she proudly adds, as entirely worthy of a place on that honor roll, the name of Sanford.”

Mr. CHARLES N. BURCH said:

“Mr. Chairman, Gentlemen of the Bar, Ladies and Gentlemen: . . . Never for one time did he forget the dignity and decorum which attached to his high office. Though the dignity of his office was at all times preserved, he was intensely human. He was extremely particular for the welfare of jurors and witnesses and insisted that a high degree of courtesy and consideration for others should be maintained in his court. Particularly helpful and kind was he to youthful and inexperienced practitioners. I have never known a judge to display the patience which he did or to indicate a greater desire to arrive at the exact truth of a controversy.

“During his term of district judge many important cases were tried before him, but to these I need not refer, as a permanent memorial of these cases is found in the reports. He had a very large criminal docket. Most of these cases ended in his court and these gave him the greatest concern. While at all times seeing to it that the majesty of the law was upheld, yet he was very sympathetic with the frailties of human nature and tempered justice with mercy. At times he would call disinterested members of the bar into his chambers and, after relating

the character of a criminal case in which a conviction had just been had, he would ask the advice of members of the bar as to what punishment should be inflicted, at the same time relating all mitigating factors. I think it was a positive pain to him to inflict punishment, though he never flinched from that duty when justice required it. As a district judge he was not only patient, industrious and able, but he wrote with unusual facility and his opinions are models of clearness. I recall that in his opinions he settled many questions of practice which were in doubt in Tennessee. . . . The esteem in which he was held by the bar of the State and by the people generally can perhaps best be illustrated by the unanimous endorsement which he received from the bar of Tennessee when a vacancy occurred upon the Supreme Court of the United States; and more unusual still was the unanimous endorsement of Judge Sanford by the Legislature of Tennessee, which happened to be in session when this vacancy occurred. A great majority of that legislature belonged to an opposite political party from Judge Sanford, and yet the worth and merit of the man were so well recognized that without hesitation a resolution was passed by the General Assembly of the State endorsing him for a place on the Supreme Court of the United States. It was, indeed, a source of joy and gratification to the bar and the people of the State when he was appointed and confirmed. . . .

“His record on the Supreme Court is written in the official reports. It is needless for me to say that he maintained the high reputation which he had as a district judge, and that he measured up to the high qualifications which have always been an attribute of the members of the Supreme Court of the United States.

“Besides being a great lawyer and a great judge, he was a man of ripe and profound scholarship and took a deep interest in the best that there was in literature. He wrote and spoke the best of English and, as said of him by a member of this Court: ‘He was born to charm.’

"As a district judge he was part and parcel of the communities in his district. He frequently appeared on public occasions, and spoke in behalf of all movements looking to the general welfare and betterment of the community. He was a welcome guest in any company. His addresses were always suitable and appropriate to the occasion. He was equally at home in addressing a gathering of very plain people on some local question as he was in addressing the great assembly of lawyers which took place in the Guild Hall, in London, in 1924. . . .

"His life and character are and will always be an inspiration to the youth of our State and Nation. . . .

"The Nation had reposed a great trust in him and in fidelity to this trust death came to him. In his last moments his thoughts were that duty required him to meet with his brethren of the bench at noon. In his fidelity to duty I am reminded of the Roman soldier who met his death at Pompeii when that city was submerged by the eruption of Vesuvius. He did not fly from his post of duty, but remained where duty bade him stay, and nineteen centuries later his remains were found standing erect, sword in hand, and his face towards Rome. And so, Mr. Chairman, our departed brother crossed the bar and met his Pilot face to face, unafraid, conscious that he had lived up to the highest ideals and standards of his race."

The resolutions were adopted and the meeting adjourned.

A pamphlet, published by the Committee, presents in full these resolutions and addresses concerning Mr. Justice Sanford and the eulogies in Court that follow. Memorial Resolutions adopted by the Bar Association of Knox County, Tennessee, and a telegram from the Supreme Court of Texas, by its Chief Justice, are also in that volume.

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: On the very day of the death of the late Chief Justice, Edward Terry Sanford, Associate Justice, was suddenly stricken and died. Representatives of the Bar, gathered to pay reverent tribute to his memory, adopted resolutions, which it is now my privilege to present to the Court with the request that they be entered in its records as a token of the high esteem in which Justice Sanford was held by the legal profession."

[The resolutions are printed on pp. xxxvii *et seq.*, *ante.*]

"Justice Sanford's career in the public service had its beginning in the suggestion by Mr. Justice McReynolds, then an Assistant Attorney General of the United States, that he be retained by the Government in the investigation of the Fertilizer Trust in 1905. The marked ability disclosed in that case secured him immediate recognition and resulted in his appointment in 1907 to the position of Assistant Attorney General. While occupying that post he appeared before this Court on several occasions and made a favorable impression by the skill and force with which he presented the cases entrusted to him. He attracted the favorable attention of President Roosevelt, and in 1908 was appointed to be United States District Judge for the Eastern and Middle Districts of Tennessee.

He had hoped to have the post of Solicitor General, and accepted the judicial office with some reluctance, not realizing that he had been set upon the path that would lead him to the highest honor open to a member of his profession.

“During the last forty-five years those appointed United States District Judges have averaged forty-nine years of age when appointed. Judge Sanford was forty-three when he became a District Judge. His case is an example of the gain to the judicial service in appointing to the lower federal courts comparatively young men, of character and education, through the opportunities for distinguished judicial careers thus opened up to them.

“His service as a trial judge was one of exacting labor, rendered more than usually arduous by a temperament which demanded that every case be given the most careful and painstaking consideration regardless of its material importance. While at the bar he had shown a marked preference for practice before appellate courts, the quick and undeliberated decisions necessary in trial work being repugnant to his scholarly and rather cautious nature. For the same reason his duties as a District Judge were not entirely congenial to him, since he was constantly faced with the necessity of passing immediately upon questions to which he would have preferred to give more mature consideration.

“Nevertheless, his preferences in no way influenced his achievements, and his record was an enviable one. The high regard in which he was held by those with whom he was associated was made evident by the spontaneous outburst of approval with which they responded to the proposal that he be elevated to the Supreme Court. When the retirement of Mr. Justice Pitney, on December 31, 1922, created a vacancy, the Senate of the State of Tennessee adopted a resolution urging that Judge Sanford be considered for the position, and the overwhelming indorsement then given him by the people from his sec-

tion of the country, coupled with the desire which had always been his to become a member of an appellate tribunal, must have made his selection for the supreme bench doubly gratifying to him.

“ During the seven years of his service as a Justice of the Supreme Court he delivered the opinion of the Court in 130 cases. These opinions, which are to be found in volumes 261 to 281, inclusive, of the Reports, disclose his scholarly training. In addition to his technical equipment he had that culture and breadth of vision so valuable in high judicial office. His professional learning was supplemented by an intimate familiarity with literature, which gave to his judicial opinions an unusual clarity and attractive style. Endowed by nature with the rare gift of felicitous expression, which he used to such good advantage at the bar, he could not be satisfied with a judicial utterance until it had been subjected to careful scrutiny to the end that the exposition of his views and the process of reasoning upon which they were founded might be full and lucid. His judicial labors were characterized by patient and conscientious deliberation upon every aspect of the case in hand. Fidelity to duty was ever his chief concern.

“ His judicial opinions cover most of the branches of the law with which this Court is called upon to deal. Those in the *Pocket Veto Case* in the 279th, and in the *Gitlow* and *Fiske* cases in the 268th and 274th, which dealt with the constitutional validity of state statutes defining criminal anarchy, are examples of the excellence of his judicial work.

“ All of his writings indicate a marked adherence to the principles on which our Constitution is based, coupled with an appreciation of the need of adjusting the application of those principles to fit the requirements of changing conditions. Conservative in judgment and strict in his adherence to tested doctrines, he was one of that great body of jurists who have maintained the stability of the common-law system of jurisprudence.

"No tribute to Justice Sanford, however brief, would be complete which touched only upon his professional achievements. His early studies, supplemented by foreign travel, bred in him an enduring appreciation of music, literature, and the fine arts. He was in every sense a man of the highest culture. His mastery of the English language and his training in the field of advocacy combined to make him a speaker of unusual ability and charm. But above all, his dominant traits of character were kindness and affection for his fellow men. His interests in the fields of education and charity were many. The joys of friendship were his constant and supreme delight.

"The widespread grief occasioned by his death was intensified by the fact that, only sixty-four years of age, his faculties matured by long experience and untiring industry, he appeared to have many years of useful service before him. The Nation has lost an able, high-minded judge, and many of us a gracious friend. Of him it may fittingly be said, as Campbell said of Lord Holt, 'Perhaps the excellence which he attained may be traced to the passion for justice by which he was constantly actuated.'"

The CHIEF JUSTICE responded:

"Mr. Attorney General: The Court receives with deep gratification this tribute from the bar to the service of an able and faithful member of this Court, who was taken from us, with tragic suddenness, in the midst of his career.

"The strength of the Court is the resultant of the interaction and coöperation of individual forces, and the successful performance of its function depends upon the discharge of individual responsibility by Justices of equal authority in the decision of all matters that come before the Court. It has recruited its strength both from the bar and from the bench, and the contributions made to the jurisprudence of the Court by those whose judgment has been ripened by the responsibilities of administration in state and federal courts has been a conspicuous feature of its history.

“Mr. Justice Sanford had the advantage not only of careful preparation for the bar under the most exacting and stimulating teachers of the law, and of valuable experience in practice, but of many years of service as a District Judge of the United States. It was the distinguished success with which he met that long-continued test that led to his appointment to this bench. He came here as a graduate of the hard school of judicial experience, and he brought with him an intimate and precise knowledge of the problems of the federal courts. Never sacrificing the dignity, impartiality and authority of his office as a District Judge to any desire for public favor, his ability and fidelity commanded their appropriate and gratifying reward in the esteem and confidence of the community that he served, so that the bar and the legislature of the State of Tennessee gave to the proposal of his appointment to this Court a unanimous endorsement. It was pre-eminently his judicial quality which won this general esteem. Without eccentricity, affectation or irritation, but with simplicity, candor, patience and thoroughness, he had applied himself to every judicial task, whether agreeable or irksome, and the applause which greeted the conduct of his office was a tribute to the standards of the community as well as to his own.

“In the District Court, Judge Sanford carried a heavy burden of criminal cases and, as exemplifying his dominant traits, I may quote what has been said by an eminent member of the bar who had long observed his manner of discharging this duty: ‘In the administration of the criminal laws he was judge and not prosecutor. The government was only a litigant in his court suing for justice. It stood on a parity with the humblest citizen it accused. The constitution and laws of his country were to be obeyed, and not evaded, by judge, government and accused alike.’ Especially prominent in every activity was his unfailing courtesy and grace. Never lacking this quality himself, he looked for it in others, and in the District Court under his guidance there was afforded a notable

illustration of the commendable restraint and propriety in speech which heighten rather than impair the effectiveness of forensic efforts.

“ In addition to sound technical training as a lawyer and broad experience as a judge, Mr. Justice Sanford had resources of culture, developed by travel and liberal studies both here and abroad. He was interested in literature, music and art, and those who enjoyed companionship with him were not disappointed because of limitations in his horizon. While the learning of the law was his supreme interest, it neither monopolized nor narrowed him. He was happy in his public addresses and brought to many important meetings the charm of eloquence. The members of the bar cannot fail to remember with especial pleasure his address in London at the Lord Mayor’s dinner at Guild Hall on the occasion of the visit, in 1924, of the representatives of the American Bar Association, and his graceful response to the welcome of the French bench and bar in the Palais de Justice in Paris. The lawyers and judges of France had the unusual and welcome opportunity of listening to an eminent member of the American judiciary paying a beautiful tribute in their own tongue to their achievements and aspirations.

“ You have alluded, Mr. Attorney General, to the important opinions delivered for this Court by Mr. Justice Sanford, and, as illustrating the quality of his work, you have referred in particular to the *Pocket Veto Case*, 279 U. S. 655, relating to the authority of the President, and also to the cases in which Mr. Justice Sanford dealt in clear and definite utterance with the power of the State as affecting freedom of speech, upholding the necessary authority to punish abuses of that freedom (*Gitlow v. New York*, 268 U. S. 652; *Whitney v. California*, 274 U. S. 357) while also sustaining the constitutional limitations which safeguard the liberty of the citizen (*Fiske v. Kansas*, 274 U. S. 380). In his work in the District Court, Mr. Justice Sanford had given special attention to the difficult problems arising in the administration of the bankruptcy

law, and he performed a noteworthy service in this Court in that branch of jurisprudence, writing a number of opinions in leading cases. *Meek v. Centre County Banking Company*, 268 U. S. 426, and *Taylor v. Voss*, 271 U. S. 176, are illustrations. Another outstanding judgment delivered by Mr. Justice Sanford was that in *Liberty Warehouse Company v. Grannis*, 273 U. S. 70, maintaining the essential limitation of the jurisdiction of the federal courts to 'cases' and 'controversies.' He reaffirmed with careful emphasis the fundamental principle, as he expressed it, 'that the judicial power vested by Article III of the Constitution in this Court and the inferior courts of the United States established by Congress thereunder, extends only to "cases" and "controversies" in which the claims of litigants are brought before them for determination by such regular proceedings as are established for the protection and enforcement of rights, or the prevention, redress, or punishment of wrongs; and that their jurisdiction is limited to cases and controversies presented in such form, with adverse litigants, that the judicial power is capable of acting upon them, and pronouncing and carrying into effect a judgment between the parties, and does not extend to the determination of abstract questions or issues framed for the purpose of invoking the advice of the court without real parties or a real case.'

"In estimating the value of judicial work, it is well not to lay too much stress upon opinions which seem to have a particular importance because of the public attention they receive or the spectacular circumstances of the controversies to which they are addressed. Juristic achievements are not measured by the distinction of litigants, or the amount in controversy, or the dramatic setting which gives temporary notoriety. The most worthy performance of judicial duty in the careful analysis of facts, in exact reasoning, and in the observance of a correct perspective in bringing the results of earlier controversies to their appropriate present service, may be

found in cases which attract at the time little attention on the part of the general public, but achieve importance in the annals of jurisprudence. The final reputation of a judge owes far less to contemporary estimate than to the inevitable later appraisal when his efforts find their appropriate historical setting.

“Mr. Justice Sanford was keenly aware of this, and, with philosophic bent and conscientious application, he was faithful to the judicial tradition, devoting the same care to every case which came before the Court, without regard to its rating in public opinion. He was ever intent upon the intrinsic quality of his work rather than upon adventitious circumstance.

“Although cut off in mid-career, as judicial careers are reckoned, we gratefully recognize the long service that he rendered in a life which enjoyed a succession of deserved honors and was crowned by the fulfillment of a worthy ambition. He met every responsibility with integrity of motive and singleness of purpose, and he discharged every trust with complete fidelity. His life is epitomized in his own words: ‘Youth and age have come; youth rejoicing in the splendor of life’s morning; and age, steadfast in the majesty of its noonday, serene in the tender glow of its evening sky.’ In the midst of that serenity the final summons came, and he was taken from us. Mourning our loss, but enriched by the memory of his friendship and coöperation, we renew our labors.”

The first part of the book is devoted to a general history of the United States from its discovery by Columbus in 1492 to the present time. The second part is a history of the United States from 1776 to the present time. The third part is a history of the United States from 1861 to the present time. The fourth part is a history of the United States from 1865 to the present time. The fifth part is a history of the United States from 1865 to the present time. The sixth part is a history of the United States from 1865 to the present time. The seventh part is a history of the United States from 1865 to the present time. The eighth part is a history of the United States from 1865 to the present time. The ninth part is a history of the United States from 1865 to the present time. The tenth part is a history of the United States from 1865 to the present time.

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