



# Chief Justice of Supreme Court a Rare Post

Only Ten Men Have Held This Exalted Position Since the Organization of the Highest Tribunal in the United States

By H. O. BISHOP

**"S**TUDY hard and be a good boy, and some day you may be the President of the United States," are earnest words of encouragement that virtually every proud father and mother in the country, some time or other, whisper to their male offspring.

But did you ever hear a parent suggesting to his young hopeful that the trekking of the studious path might ultimately lead to the job of Chief Justice of the Supreme Court of the United States? Never! The chances are entirely too slim.

That's just about the scarcest job we have in this country.

The Supreme Court has been in existence for 132 years, and William Howard Taft, recently appointed by President Harding, will only be the tenth man to have the honor of presiding over that greatest of all judicial tribunals.

It, of course, is only now and then that a President of the United States has the privilege of appointing a chief justice. Mr. Harding is the eighth President who has had that rare honor. The other chief justices were appointed as follows: John Jay, of New York; John Rutledge, of South Carolina; and Oliver Ellsworth, of Connecticut, by Washington; John Marshall, of Virginia, by Adams; Roger B. Taney, of Maryland, by Jackson; Salmon P. Chase, of Ohio, by Lincoln; Morrison R. Waite, of Ohio, by Grant; Melville W. Fuller, of Illinois, by Cleveland; and Edward Douglass White, of Louisiana, by Taft.

As a matter of technical fact and history, Washington really appointed four chief justices. One of them, however, resigned shortly after receiving his commission, and never having performed any of the functions of the court, is not generally referred to as having been at the head of that body. This very unusual man was William Cushing, of Massachusetts,

whom Washington appointed as one of the original associate justices of the Supreme Court.

Washington staged the announcement of the promotion of Cushing to the Chief Justiceship, succeeding Rutledge, in dramatic fashion. On the day this occurred, he gave a big turkey dinner at his home. Cushing was among the distinguished guests. When he entered the dining room, Washington, from his place at the head of the table, directing his look at him, said in a loud and genial tone, "The Chief Justice of the United States will please take his seat at my right." Cushing had not had the least intimation of his appointment and, quite naturally, was greatly affected by the announcement. His commission was made out, which he received the next day, and retained for about a week, when, upon the ground of ill-health, he determined to resign. Washington endeavored to prevail upon him to change his mind, but without avail.

Oliver Ellsworth, United States Senator from Connecticut (subsequently Chief Justice), was the author of the bill creating our judiciary system. This occurred immediately after the convening of the First Congress, April, 1789.

### Jay a Friend of Washington

**J**OHAN JAY, the first Chief Justice, was a very close friend of Washington's. So great was the opinion entertained of his character and abilities that Washington offered him a choice of offices under the government. He preferred the office of Chief Justice as being more in accord with his taste, habits and education. He had been minister to Spain, president of Congress, and Secretary of State, and had negotiated the treaty

of peace in 1782-83; he had also filled the office of chief justice of the state of New York; and, as a member of the New York convention, had taken a leading part in the framing of the constitution of that state in 1777.

It was he who prepared the address of the Continental Congress to the people of Great Britain, a vigorous, patriotic paper, which brought him to the notice of the public.

His diplomatic skill in arranging the treaty of peace is now universally recognized. He induced Franklin to concur with him and John Adams, in disregarding the instructions of Congress, to act in concert with our ally, the King of France, because he believed Vergennes, the French minister, was playing a double part, injurious to the interests of the United States. At the time his conduct was severely questioned, but subsequent disclosures of correspondence have vindicated him.

While holding the office of Chief Justice he was appointed minister to Great Britain, and negotiated the celebrated treaty, which, though approved by Washington, was much condemned by the public. On his return from England, having resigned as Chief Justice, he was elected governor of New York, which office he held for two terms.

Jay wore the traditional gown of the English judges, but balked at the wearing of a wig. He wore his hair straight back from the forehead, tied behind in a queue. He desired the abolition of slavery in accordance with a sentiment then prevailing even in the South. Jay married a Miss Livingston, of Philadelphia, who was prominent in social circles. She died shortly after his retirement from public life.

Jay made a daily study of the Bible. His religion was a part of his everyday life. This religion, inherited from his Huguenot ancestors, seemed to be a