

# WHAT A SUPREME COURT JUDGE MUST BE

On the Occasion of the Celebration of the Anniversary of Justice Harlan's Twenty-Fifth Year on the Bench of the Highest Tribunal in the United States and the Most Important in the World—President Roosevelt Gives His Ideas of the Sort of a Man Needed to Sit in That Place and Give the Law on the Weighty Questions That Come Before That Body,

Washington, Dec. 10.—The dinner given by the bar of the supreme court of the United States at the New Willard hotel last night to Justice John Marshall Harlan in recognition of the completion of 25 years' service on the bench of the supreme court was a brilliant function. The banquet hall was handsomely illuminated and the tables elaborately decorated. In the absence of Attorney-General Knox, Wayne Macveagh presided. When the guests had been seated grace was said by Rev. Richard D. Harlan of Lake Forest, Ill., eldest son of the justice, who had come to Washington specially for the occasion. Justice Harlan was in his happiest mood and gave every evidence of his appreciation of the honor bestowed on him.

His two other sons, James S. Harlan, chief justice of Porto Rico, and John Maynard Harlan of Chicago, were present and Mrs. and Miss Harlan and a host of friends were interested spectators in the gallery. Interest in the banquet, outside of Justice Harlan, centered in President Roosevelt. His arrival shortly after 9:30 was the signal of a great outburst of applause.

### SOME OF THE PERSONS WHO SAT DOWN TO THE FEAST

The president warmly congratulated Justice Harlan, grasping both hands before taking his seat.

Those at the banquet included members of the cabinet, several senators and representatives, members of the supreme court of the United States, of the court of claims and of the local courts, and a number of eminent lawyers from outside the city.

When the time for speechmaking arrived Wayne Macveagh, in a few appropriate remarks, introduced the president, who spoke as follows:

"Mr. Chairman and Gentlemen: It is a peculiar privilege to be here tonight as one of those gathered to do homage to a career which has honored America. It is difficult to say certain of the truths which need be said without being guilty of truism in saying them.

"It is not an idle boast of this country when we speak of the court in which Mr. Justice Harlan sits as the most illustrious and important in all the civilized world.

It is not merely our own people who say that; it is the verdict of other nations as well.

### QUARTER OF A CENTURY HAS HE SAT ON BENCH

"Mr. Justice Harlan had served for a quarter of a century on that bench. During that time he has exercised an influence over the judicial statesmanship of the court of a kind such as is possible only under our form of government.

"For the judges of the supreme court of the land must not be only great jurists but they must be great constructive statesmen, and the truth of what I say is illustrated by every American study of American statesmanship, or, in not one serious study of American political life will it be possible to omit the immense part played by the supreme court in the creation, not merely the modification of the great policies through and by means of which the country has moved on her present position.

"Three fortunate is the court when it has as one of its members a man who has played a great part in other spheres of our complete life. Mr. Justice Harlan came from Kentucky, a state in which the patriotism of the people was put to so severe a test in the civil war. In the states of the farther North it was easy for the man to make up his mind on which he should unsheath his sword. In the states of the farther south it was equally easy. In Kentucky the task was a difficult one.

### WHAT HE SAYS ABOUT THE EX-CONFEDERATES

"In any audience in any state of the union, take it as far North as you wish, I can appeal with confidence to the people I address when I say that next to the homage we pay to the men who proved the truth of their endeavor as they battled in the union uniform is the homage we pay to the man, who, with equal sincerity, with equal devotion to the right as it was given them to see the right, wore the gray. And none pay that tribute of regard so frankly as those who themselves wore the blue in battle.

"And having said that I am sure that none of my friends who fought in the confederate service will misunderstand me or will begrudge what I am about to

say, when I say that the greatest debt owed by this country to any set of men is owed to those men of the so-called border states, the men who in statesmanship followed Clay and the Crittendons and the Blairs; the men who as soldiers fought on the same side with Thomas and with Farragut, the men who were for the union without regard to whether their immediate associates were for it or not.

"In New York, Massachusetts, in Illinois, in Iowa, the men who stood for the union went with the stream. In parts of Kentucky, of Virginia, in Missouri, they stemmed the torrent. And, gentlemen, I am half a southerner myself. Two of my uncles fought in the confederate navy. One served under the father-in-law of Vice Governor Wright of the Philippine islands, and so I think I have the right to say that, knowing the southern people as I do would heartily advocate fighting twice as hard as you fought from '61 to '65 for the privilege of staying in the same union with them. (Laughter and applause.)

"It will be a bad thing for the nation if ever we grow as a nation to submit to the suppression of efficiency and morality, if we ever grow to accept the belief that we are to have two camps in one of which will be grouped the men who mean well, but who do not do things, and in the other, the men who do things, but who do not mean well. The art of successful citizenship is not an easy art for people or individuals. It comes to our people here as the inheritance of ages of effort. It can be thrown away. It can be unlearned very easily and it will surely be unlearned if we forget the vital need, not merely of preaching, but of practicing both sets of virtues—if we forget the vital need of having the average citizen not only a good man, but a man deeply sensible of the responsibility resting on every man of the supreme court, whose power for good or evil scarcely could be exaggerated."

### SUPREME COURT JUDGE HAS TO BE MANY THINGS

"The man to be a great statesman on the bench of the supreme court must have many qualities and fortunate are we that this evening we can point to Justice Harlan, as employing them. A good citizen must be a good citizen in peace and war. He must have the decent and orderly vir-

tues, and he must have the essential manliness for the lack of which no good intentions atone.

Senator Hoar, who was the next speaker, expressed his delight at having an opportunity to honor Justice Harlan in the latter's lifetime.

The senator spoke of the stubborn strength of the American constitution. "The two elements to which the constitution of our country owes this distinction are the senate and the supreme court. This great tribunal which keeps the forces of state and nation alike within their appointed bounds must depend for its authority upon the respect and confidence of the people. This respect and confidence of the people must, in my judgment, depend upon the influence of the legal profession. A court which has their support must endeavor. A court without their support will perish. An independent judiciary and an upright and fearless bar are equally essential for the administration of justice and, whatever an ignorant criticism may say, constitute the most perfect mechanism of the administration of justice under heaven among men."

Other speakers of the evening were Justice Fuller, Justice Brewer, Edward Blake of Canada, Judge Alex P. Humphrey of Kentucky, Assistant Attorney General Peck and R. Ross Perry of the district of Columbia.

## SERVICES OVER MR. REED'S REMAINS

Portland, Me., Dec. 10.—Simple but impressive services consisting of music, Scripture reading, prayer and a brief eulogy were held over the remains of ex-Speaker Thomas Reed at the First Unitarian church yesterday afternoon. The church was thronged with a distinguished assemblage, which included the governors of Maine and Massachusetts, the Loyal Legion, several Grand Army posts, members of the bar, city officials and delegates from nearly every political organization in the state. The day was one of mourning throughout the city. Many places of business were closed during the afternoon.

Public buildings were also closed during the day. The services in the church were held at 2 o'clock, but for some hours the body had been lying in state in the parish house, where it was viewed by throngs of people. The parish house finally was closed shortly after 1 o'clock and the casket was removed to the church.

While the assembly was being seated Hermann Kotzchmar was at the organ. In the front pews were seated the pallbearers, Joseph Symonds, John G. Small, George E. Bird, Attorney General George M. Sedgers, Judge Clarence Vale of the district court, Robinson Williamson, William Bradley and William D. Woods. The organ ceased and after a brief pause

the Rev. John Carroll Perkins, the pastor of the church, read appropriate selections from the Bible, following with prayer. After a short strain from the organ, Mr. Perkins delivered the eulogy and closed his remarks with a benediction.

The casket was borne to the hearse, and while the bells of the city tolled 63 strokes, one for each year of Mr. Reed's life, the funeral party entered Carriages. The little procession passed to Evergreen cemetery where the body was placed in a tomb to await burial in the spring.

Faxon's Indian heads and Burton's Chinese water colors, make exquisite Xmas gifts. See them at Calkins'.

## HE WAS SET OUT IN THE ROAD

Miner Tells Scranton Commission of Eviction by One of the Corporations and Graphically Describes the Injuries He Received in the Underground Works.

Scranton, Dec. 10.—When the strike commission opened yesterday H. C. Reynolds, one of the attorneys for the independent operators, announced the death of Dr. J. N. Rice, an independent operator, who was a party to the arbitration scheme and was prominent in the present negotiations.

The first witness called was James McMonigle, a miner, formerly employed by the Markle company. He said the breast he was working in was so dangerous that he complained to the company officials that he might be killed. He was told if he worked any other breast he would not be given any cars. He went out on strike and after the suspension he was refused work and evicted from his house.

B. D. Gallagher, another Markle miner, testified that the company charges him 35 cents a gallon for oil that sells in Hebelton, a few miles away, for 18 cents, and 32 cents a quire for blasting paper that can be had for 15 cents.

Chairman Gray asked what the outside

market price for powder was. Some of the independent operators said \$1.25 a keg, but attorneys for the miners said 90 to 95 cents a keg.

The companies are selling it to the miners at \$1.50 a keg. Andrew Hannik, a Hungarian, told how the Markles evicted him. He was followed by Henry Cole, another Markle miner, who told how his family, including his mother-in-law, who was 100 years old, were set out on the road with their household goods. He gave a graphic description of how he was injured many times in the mines. He said one of his legs was no better than a wooden one; he had only one eye, his hands had been crushed, ribs broken and skull fractured. The company gave him nothing until after the employees took up a collection for him, then he was given \$50 after being on the injured list for two years. The company took out of the collection the rent he owed.

In answer to other questions he said he was one of the 13 evicted by the Markle company. The only rent he owed was for

the months during the strike. The company gave no reason for evicting him. Then followed the most pathetic story yet told the commission.

The old miner, decrepit from many injuries, told, under examination, of how the eviction was carried on. The wife was sick and her old hundred-year-old mother was blind and unable to walk.

The day on which they were thrown out was rainy. He took them as best he could to Hazeton, seven miles away, and placed them in a cold, damp, empty house. This was last month, when the atmosphere on the Hazeton mountain was quite cold. The wife became worse. Medical aid was kind-ly furnished free by a Hazeton doctor but it did not help her much.

"We were greatly worried because of our having been turned out of the house one night," he said between sobs, "and she died."

"She died?" said Judge Gray, who was pacing to and fro across the room, as he quickly turned when he heard the man's last words.

"Yes, sir, she died, and I buried her yesterday."

All the commissioners and many of those in the courtroom were much affected by the old miner's story. The witness went on to say that he did not know whether the centenarian was alive today or not. She was in bad condition, owing to her daughter's death, when he left the house last night.

No one cared to cross-examine and Judge Gray said: "That is all; and thank you."

Two more witnesses told of how they were refused work by the Markle company, and then J. B. Gallagher, national board member of the United Mine Workers of America for the Hazeton district, took the stand and told of conditions as he found them at the mines of the Markle company.

The air in some of the gangways, he said, was so bad that the miners' lamps would not burn. If he had a drill hole started and the lamp went out he would continue work in the dark until his condition became so weakened by the air that he had to go out.

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### SULPHUR PACKAGE IGNITES

And Occupants of a Men's Boarding House Are Suffocated.

BY ASSOCIATED PRESS.

Bridgeport, Conn., Dec. 10.—By the ignition of a package of sulphur in a men's

lodging house here yesterday the occupants of the place narrowly escaped death by suffocation. The fumes of the burning stuff filled the house, overcoming many of the lodgers.

The police managed to grope their way through the smoke and opened windows, after which the unconscious men were carried into the open air where all were revived. It was not known how the sulphur became ignited.

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