

## ***In Memoriam.***

At a Special Session of the Supreme Court held on February 6, 1928, the following proceedings were had in honor of the memory of the late Justices William P. Lawlor, Thomas J. Lennon, and Jeremiah F. Sullivan.

At the opening of the court in bank Mr. Chief Justice Waste stated that the session had been called at the request of the Bar Association of San Francisco, and asked Mr. Henry E. Monroe, president of the Association, to state the purpose of the session. Mr. Monroe said:

If the court please, as has been stated, the court has convened to-day and we are here for the purpose of paying some slight tribute to the memory of three distinguished members of this bench and of the bar—Mr. Justice William P. Lawlor, Mr. Justice Thomas J. Lennon, and Mr. Justice Jeremiah F. Sullivan.

At a time like this we feel the inadequacy of words to take the place of the genial smile and the warm pressure of the hand that establishes the bond and communion between kindred souls. I sometimes think of the tragedy of it all and the human heart's yearning for sympathy and for the words of appreciation which we either meagerly give or withhold altogether. But while these things should better have been said in life, it is pleasing to think that perhaps our friends in the "over there" know what is said and what we feel in the "over here" to-day.

Committees have been appointed to prepare proper resolutions and memorials. There has been one gentleman placed upon those committees who is not a member of the bar, but who it seems, should most properly be there, on account of his long and intimate association and friendship, almost filial devotion, to Mr. Justice Lawlor, Mr. Andrew Y. Wood, and the committee has asked that its report be presented by Mr. Wood.

The reports of the other committees will be presented, that of Mr. Justice Lennon by Mr. William M. Abbott, and for Mr. Justice Sullivan by Mr. Randolph V. Whiting, and Mr. O. K. Cushing will speak for the State Bar.

**Hon. Thomas J. Lennon.**

ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE STATE OF  
CALIFORNIA, 1919-1926.

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Mr. William M. Abbott, on behalf of the Committee of the Bar Association of San Francisco, composed of Charles A. Shurtleff, Max C. Sloss, Warren Olney, Jr., William M. Abbott and Andrew Y. Wood, thereupon presented the memorial to Mr. Justice Thomas J. Lennon. He said:

May it please the Court: We do not come to lament the passing of a distinguished member of this Court, but to do honor to his memory and to bear testimony to his character and worth.

As we travel the road of life, each step drawing us farther away from the green spring of youth with its enthusiasm and vigor, its buoyancy and its dreams, we are compensated by the broader vision, the fuller realization of life's real meaning—the mellowing sympathy which is acquired only by attrition with the years. But even this compensating gleam of sunshine is tempered with the inevitable shadow which falls as associates, who have walked with us and shared the pleasures and burdens of the day, are called, one by one, to follow the pathway of the soul. And along that pathway all too soon was borne the soul of Thomas J. Lennon, who for twenty-four years served in the judicial department of our State government and for seven years of such service was a member of this Court and presided over Department Number Two thereof.

We request, to have spread upon the minutes of the Court our appreciation of his worth as a man and as a jurist who brought luster to the various judicial positions he occupied.

Thomas J. Lennon was born at Marysville, California, on February 25, 1866. He received his early education in the public schools of the state. He entered St. Mary's College in San Francisco and graduated from that school of learn-

ing in 1885 with the degree of B. S. He there learned the important lesson of responsibility to God and his fellow-man.

In 1888 he was admitted to practice by the Supreme Court of California and embarked upon the practice of his profession in San Francisco with brilliant success.

In 1893 he married Miss Emily Lenhart and there was issue of the marriage a son, Thomas Lloyd Lennon.

He moved with his family to San Rafael, Marin County, California, and was elected judge of the Superior Court for that county in 1902. The administration of justice is the highest accomplishment man can realize and it was during his tenure as a judge of the Superior Court that Judge Lennon came to know the real joy of service. He served as Superior Judge until the latter part of 1910, when the people, showing continued confidence in him, elected him Presiding Justice of the District Court of Appeal for the First District of California. His record there is spread thru fourteen volumes of the Appellate Reports and demonstrates that he was indeed realizing his highest accomplishment. He served as Presiding Justice of the Appellate Court, First Judicial District, until 1919, when the people of the State again called him to service and he was elected Associate Justice of the Supreme Court of California, which honored place he held until his untimely death on August 14, 1926, in the fullness of his mental strength and maturity.

The record of his work while Associate Justice of the Supreme Court, found in Volumes 179 to 199 of the California Reports, shows the fullness of his mind, rich in legal learning, the bigness of his heart and the yearning passion of his soul to minister justice.

This is neither the time nor place to dwell at length upon the many splendid qualities of Mr. Justice Lennon—of his love for his fellow-man, of his social and fraternal associations, of his service as dean of the law department of St. Mary's College. He had many of them and in them all he assumed recognized leadership.

He fought for human rights. He believed that courts should be servants of the people, seeking their betterment. He strove with a generous, kindly wisdom to make the world a better and a happier place for his having lived in it.

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Justice was his cry and his creed—tolerant justice—gentle justice.

It has been said of him that "in passing judgment upon men for deeds done in the flesh he kept in mind the weaknesses and frailties of man . . . in every case his sympathetic finger, as tho directed by divine purpose, touched the key that echoed the note of mercy's appeal."

His career on the bench of the State of California was one marked by brilliant endeavor toward the right. As a Superior Court magistrate, as a Justice of the Court of Appeal and as an Associate Justice of the Supreme Court, he manifested more than a mere knowledge of the law, more than a mere understanding of statutes.

And the lesson of his life and his work is this: When a man is great and good of heart and soul, death may take him swiftly, but he shall not be forgotten. His name shall live and glow along the years, as that of one who deserved to be made in the image of his Maker.

#### **Response by Mr. Justice Richards.**

At the suggestion of Mr. Chief Justice Waste, Mr. Justice Richards responded on behalf of the court to the memorial to Mr. Justice Lennon. He said:

The duty of responding to the memorial tribute which has just been offered to the memory and virtues of our lamented associate, Thomas J. Lennon, has fallen to me because of the fact that among the present members of the Supreme Court my association with Mr. Justice Lennon upon the Appellate and Supreme Courts of this State was longer in point of time and service than that of any other member of the present tribunal.

It is not necessary for me to repeat with anything of detail the review which you have just heard of the life and public services of our deceased associate. Born in a country town in California and educated thruout in the schools of this commonwealth, Thomas J. Lennon chose the legal profession for his vocation in life. He brought to it those qualities of the successful advocate which he inherited from his ancestry and it was not surprising, therefore, that

during the period of his service at the bar he should have had a remarkably brilliant and successful career.

The characteristics of his mind, however, were eminently judicial and it was doubtless for that reason that in the year 1902 he left the forum of the legal profession for a place upon the bench and became one of the judges of the Superior Court in and for the County of Marin. He served in that position with such ability and promise that in the year 1910 he was selected by the people of the State of California to become the Presiding Justice of the District Court of Appeal for the First Judicial District. It was while serving in that position that, in the year 1913, my own association with him began.

He was an ideal Presiding Judge of an appellate tribunal. Quick in his responsiveness to the discussions of law presented by the members of the bar arising in his administration of the affairs of the tribunal over which he presided with a view to the utmost output of its allotted work, cordial with his associates and tolerant of their opinion, it is not at all surprising that during the next six years of our association together the District Court of Appeal for the First Judicial District should have put forth the largest number of decisions presented by any appellate tribunal of the State of California per capita of its membership.

Such was the quality of his service during those years that when in the year 1918 he presented himself as a candidate for election to the Supreme Court of California the people of this State returned him to that position by a very large majority. During the years that followed between 1919 and 1926 my service with Mr. Justice Lennon upon the Supreme Court was at the first occasional and finally permanent during the last three years of his occupancy of this Court of last resort.

It was doubtless thru his devotion to the arduous labors of his calling, especially during these latter years of his life, that he came to that untimely end which falls to all of us, in the summer of the year 1926. In his passing during that year while yet in the fullness of his judicial career the State of California suffered a loss such as it has rarely felt in the dying in harness of a distinguished member of its Court of last resort.

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While we commemorate to-day the quality and eminence of the judicial service of our deceased associate we are not to forget and would also commemorate the genial and lovable qualities which were so humanely and kindly displayed during his association with his fellow members of the bar and his colleagues upon the bench. Quick and responsive in all his social contacts and sympathies, ready in repartee and good-humored raillery, in every assemblage into which he came, the admired and eloquent orator of every occasion when he was called upon to give public expression of his views upon whatever subject the occasion afforded, never disloyal to the memory of those pioneers from whose lives he sprung or of the Native Sons of the State of which he was himself a member, he was one of the most popular and best beloved of the men of California during his long and eminent career at the bar and upon the bench.

It is eminently fitting, therefore, that upon this occasion we should commemorate his virtues and should pay more than a passing tribute to his great and surpassing powers as a member of the courts of California during his long period of service, which ended, as I have said, with his untimely death upon the fourteenth day of August, 1926.