

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. Jeremiah F. Sullivan,

ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE STATE OF CALIFORNIA, 1926, 1927.

Mr. Randolph V. Whiting, on behalf of the Committee of the Bar Association of San Francisco composed of Eustace Cullinan, Henry Eickhoff and Randolph V. Whiting, presented the memorial of the Bar Association of San Francisco in behalf of the late Mr. Justice Jeremiah F. Sullivan. He said:

On behalf of the San Francisco Bar Association, of which he was so long a loved and honored member, we appear to make formal announcement of the death on January 23d of this year of Jeremiah F. Sullivan, lately one of the Associate Justices of this Court, and for more than half a century conspicuous at the bar and on the bench for both moral and intellectual leadership.

Born in Connecticut, August 19, 1851, Judge Sullivan was brought to California when two years old by his parents, the late Michael Sullivan and Margaret Bohane Sullivan. His youth, spent in Nevada County and later in San Francisco, was attended by the not uncommon privations of pioneer days, but at the cost of sacrifice on the part of both his parents and himself, he obtained a sound collegiate education, graduating from St. Ignatius College in San Francisco in 1870. As was the custom in those days, he pursued his professional studies in an office, that of Winans & Belknap, well-known lawyers of the period, and there laid the foundation of that thoro knowledge of the law which was at the bottom of his successful career.

He was admitted to the bar January 13, 1874, and after a brief period of practice in San Francisco, was elected, in September, 1879, a judge of the Superior Court at the first election held under the Constitution of 1879. He was then only twenty-eight years of age. Of the seventy judges of the Superior Court who were elected at that time

Judge Sullivan was the last survivor. After ten years on the Superior Court bench, during which he became known throuth the State as a firm, courageous and able judge, he resigned on August 1, 1889, to join his younger brother, Matthew I. Sullivan, in the practice of the law; an association which endured until Jeremiah F. Sullivan's death, except for the interruptions caused by his own service on this Court and by the appointment, subsequent election and service of Matthew I. Sullivan as Chief Justice of this Court for the period in 1914 between the death of Chief Justice Beatty and the commencement of the term of Chief Justice Angellotti.

In the practice of the profession, Jeremiah F. Sullivan was courteous, dignified and fair, zealous and courageous for the interest of his client, but always within the bounds of strict propriety; and he displayed the same admirable qualities in maintaining the rights and traditions of the honorable profession of which he was proud to be a member. For seven years as president of the San Francisco Bar Association and for one year as president of the California State Bar Association he devoted virtually his entire time to the service of the bar, and his vigorous administration of those offices, from January, 1917, to September, 1924, stimulated the bar to an interest and activity in the common good of the profession that have borne fruit in many ways such as the improvement of the police courts of San Francisco, the defeat of unfit candidates for judicial office, and, dearest to his heart, the enactment of The State Bar Act. Few lawyers, however occupied with their professional affairs, or however disposed to shirk the labor of unrequited and often unappreciated public service, could resist the disarming insistence of Judge Sullivan urging them to such service, for he was liked by all, and all knew that Judge Sullivan was willing to do twice as much of such work as he ever asked anyone else to do.

While his service as an Associate Justice of the Supreme Court was brief, his appointment to that office by Governor Richardson, unsolicited and unexpected by Judge Sullivan, was a compliment as graceful as it was merited, honoring him who gave as well as him who received, and was deeply appreciated by Judge Sullivan.

By his death the State has lost an upright and fearless citizen, the bar has lost a valiant member who embodied the finest ideals of our profession, and every member of this Court, and every member of this committee, has lost a devoted personal friend, regarded with affection and esteem. Our consolation is that the influence of this good man will survive him as an example to his colleagues and will be reflected in the lives of others inspired by Judge Sullivan's character and career.

On Behalf of The State Bar of California.

Mr. Oscar K. Cushing, appearing on behalf of The State Bar of California, spoke as follows:

It seems appropriate, in connection with the memorial that has just been presented, that a word be said on behalf of The State Bar of California.

The qualities, besides his tireless industry, that made Judge Jeremiah F. Sullivan the effective leader that he was, were those that most endeared him to his friends—kindness, modesty and the youthful heart that he bore thru all his years. Thru these same qualities he possessed to a remarkable degree the ability of making friends among the younger members of the profession, who were ever ready and glad to serve at his call.

Judge Sullivan, at the annual meeting of the California Bar Association at Santa Barbara, in September, 1917, made the first suggestion for the organization of The State Bar under a statute giving it power to prescribe the terms of admission to practice law and to discipline its members. His call found ready followers and during the ensuing years he gave generously of his time and leadership to the project.

Ten years later, on November 18, 1927, in this city, he addressed the organization meeting of the incorporated bar of which he had dreamed so long. Those who saw him there will remember his happiness and enthusiasm.

Not long after he was to appear before the Last Great Court, his work well done, a gentleman unafraid.

The future of The State Bar now depends upon the bar itself. It will accomplish much if its members in their

service to the profession measure up to the high standards set by Jeremiah F. Sullivan.

Response by Mr. Chief Justice Waste.

THE CHIEF JUSTICE: As suggested by the President of the San Francisco Bar Association in his opening address to the Court, words are indeed idle and seem wholly inadequate to express all that we wish we might say of those whose memories and services the Court and Bar to-day meet to commemorate. A more intimate message has already gone from the members of the Supreme Court to the family of Judge Sullivan, and the columns of the public press have carried a general statement of our appreciation of his services as a member of this Court. The various memorials presented have well expressed all that need be said concerning the lives of those we are to-day honoring. They are accepted and approved, and will later be included in the bound volumes of the opinions of the Court, there to embody in concrete form what is in our minds, that those who follow may read what has been so well said of the lives and services we are commemorating.

The practice of the law to Judge Sullivan was not merely a profession,—it was a passion. Like some crusader, or some devoted savant of the church, committed to a great cause, he was zealous that the legal profession should be regarded as the highest of all the professions in which men might engage. For half a century he lived true to its loftiest ideals. He will, perhaps, be best remembered for his services in behalf of the legal profession of the State. His life and service may well be summed up in what has been said by the Committee of the Bar Association, that, in his passing, "the State has lost an upright and fearless citizen, the Bar has lost a valiant member who embodied the finest ideals of our profession." He was indeed, for more than half a century, a moral and intellectual leader. He left the clear imprint of his own character upon the legal profession and the administration of justice in the commonwealth of California. His appointment as a member of the Supreme Court was a just recognition of his ability and his services, and a fitting climax to a life unselfishly, but happily, devoted to the practice of the law.

While Judge Sullivan's service as a member of this Court was but short, he brought to it, in addition to those splendid personal characteristics which have been commented upon here, a feeling almost of reverence for the position in which he found himself. That does not seem strange when we remember that in the very earliest days of his legal career he was a member of the judiciary of this State. He understood its problems, and he understood its province and powers, and, through the lapse of the years, when a practicing member of the profession, he never lost sight of the dignity which attaches to the judicial branch of the government. He was most considerate of the members of the Court. One of those peculiarly personal traits, which so endeared him to those who knew him best, found expression in the fact that he never entered the quarters of the Court on any morning during his time with us that he did not first go to the Chambers of the Chief Justice, there to present his compliments, and to report "ready for any service."

With the memory of the hardships of his boyhood days when he was forced to sell newspapers on the streets, and when he struggled to make it possible for him to enter an institution of learning to fit himself for his chosen calling, he kept his heart and his spirit young. Out of that youthful heart and hopeful and buoyant spirit came that attitude of mind which was to so enrich his own life and the lives of his friends. I trust you will pardon a personal reference to the real intimacy—on my part amounting almost to the reverence of a son toward a father—that began through our mutual love of family and children, when, more than a quarter of a century ago, we, with our families, were spending a holiday in the beautiful Yosemite Valley. It was my happy privilege thereafter to be admitted on occasions to the holy place of his family circle. There Judge Sullivan, perhaps more than in any other place, showed those characteristics which made him so truly beloved by all.

When the time came, after a life well spent, that he should enter upon his final sleep, he truly wrapped the drapery of his couch about him and lay down to pleasant dreams. Nothing more appropriate could be said of his passing than was conveyed in the tribute from the State Bar that, "after life's labors were done he was to appear before the Last Great Court, his work well done, a gentle-

man unafraid." When I think of his life, of his simplicity of desire, his devotion to happiness, his unselfish service to his profession, and the effort he put forth for humanity and mankind, I feel that, could he have turned the hands of the clock backward fifty years, and written of his life's ambition, he might have said, in the beautiful lines of the poet:

"I will go forth among men,
Not mail'd in scorn,
But in the armor of pure intent.
Great duties lie before me
And great songs—
And whether crowned or crownless
When I fall—it matters not
So that God's work is done.
I've learned to prize
The quiet lightning deed,
Not the applauding thunder at its heels
Which men call fame."

The request of the members of the Bar Association of San Francisco and of The State Bar of California, that the memorials which have been presented and a report of the proceedings of this session be spread upon our minutes and later be embodied in the bound volumes, will be granted.