

Justice Day's Response

Washington, D.C.
March 10, 1903.¹

Professor H. B. Hutchins,
University of Michigan,
Ann Arbor, Mich.,

My Dear Hutchins:

I am in receipt of your communication of the sixth inst.

When the editor of the *Alumnus* wrote me that he intended to ask you to furnish a sketch of me for publication, I wrote him in reply that, while I felt that I had no right to ask it, I would be gratified if you would undertake the work.

As to the points upon which you desire information, I would say:

I spent one year in the study of the law in the office of George F. Robinson at my home in Ravenna, Ohio; studied one year at the Ann Arbor Law School; and was admitted to the Bar by the District Court at Ashland, Ohio, July 5, [1872].² Up to that time I had lived in Ravenna, but on the tenth of October, 1872, I moved to Canton, Ohio, and formed a partnership for the practice of law with William A. Lynch of Canton, then Prosecuting Attorney for Stark County, Ohio. Mr. Lynch was then in full general practice and has since become one of the leading lawyers of his State. This partnership continued for ten years, and in about 1882, Austin Lynch was admitted to the firm under the style of Lynch, Day and Lynch. Mr. W.A. Lynch shortly after retired and the firm became Day and Lynch, and afterward by the admission of my brother

David B. Day, became Day, Lynch and Day. The firm had a large general practice both in the State and Federal courts of Northern Ohio. With the exception of the year when I was on the Common Pleas Bench, I was continually in the practice of the law from 1872 until 1897, when I came to Washington.

As to public offices, I was Common Pleas Judge for the ninth judicial district of Ohio for one year, from 1886 to 1887. I resigned from that place because I was unable to live on the salary and make provision for my family. In 1889, President Harrison appointed me United States District Judge for the Northern District of Ohio, but a threatened impairment of my health led to a declination of that office. In April, 1897, I became Assistant-Secretary of State, and in May, 1898, Secretary of State. In September, 1898, I resigned to go upon the Peace Commission in negotiation of the Paris treaty with Spain. In February 1899 I was appointed United States Circuit Judge for the sixth judicial circuit and continued in that office for four years. On February 19, 1903, I was appointed Justice of the Supreme Court and took the oath of office on March 23rd. The Paris Peace Commission was in session for three months. I dare say that if you will drop a line to John Bassett Moore, Secretary

¹ This date seems inaccurate; the letter appears to have been written after Justice Day took the oath of office, on March 23. Presumably, Justice Day dated the letter when he began drafting it.

² The original reads "1972."

of that Commission, now Professor of international law in Columbia University, he will give you some details in connection therewith.

As to my association with the late President McKinley, it [began]³ shortly after my removal to Canton, and continued until his death. After his retirement from the practice of law upon his entering Congress, I was his counsel in legal matters and now one of the administrators of his estate. It is, of course, hard to say how much one is influenced by such an association, but I hope I profited by the example so constantly before me of patriotism, self-respect, and high ideals of duty, both public and private.

My father, Luther Day, was regarded as one of the most capable trial lawyers of his time in Ohio, and was for many years upon the Supreme Bench of that State, as you doubtless remember. I think the qualities of clearness of statement and comprehensiveness of view are those which most characterize his opinions. While at the Bar, he was [an] advocate of

ability and eloquence, and while a Democrat at the breaking out of the war for the Union, he became an ardent advocate of the cause of his country, and made many public speeches in Ohio and elsewhere. My mother, who died when I was very young, was a daughter of Judge R.P. Spalding, of the Supreme Court of Ohio, and for some time a member of Congress from the Cleveland District. She was also a grand-daughter of Chief Justice Swift of Connecticut, author of Swift's Digest.

I married Mary E. Schaefer, daughter of Louis Schaefer, August 24, 1878, a prominent lawyer and resident of Canton, and we have four sons, William L., Luther, Stephen, and Rufus.

I enclose you a sketch from the Washington Times of today but I do not know how much it will help you. I have also asked to have forwarded to you a copy of the Review of Reviews for — 1898.

With best wishes to you and yours, I am
Very cordially, your friend. *JD*

³ The original reads "became."