MELVILLE WESTON FULLER

CHIEF JUSTICE FULLER DEAD

Aged Jurist Passes Away Suddenly at Sorrento, Maine.

Bar Harbor, Me.—Chief Justice Melville W. Fuller of the United States Supreme court died from heart failure at his summer home in Sorrento at six o'clock Monday morning.

The death of the chief magistrate was unexpected, as he had been in fairly good health lately and there had been no premonitory symptoms of any kind of trouble. Sunday he attended church as usual, and when he retired at night he was to all appearances in his customary health.

Death came about six o'clock Monday morning. His daughter, Mrs. Nathaniel Pereira, and Rev. James E. Freeman, who was a guest of Justice Fuller's at his Sorrento cottage, "Man Sky," were with the jurist when he died.

The funeral services will be held at Sorrento and the interment will be at Chicago.

For many years the chief justice had spent his summers at Sorrento, his summer colony located on Frenchman's bay, five miles from Bar Harbor.

A Great American.

To Chief Justice Fuller fell the honor of third rank for length of service as a judge in the highest tribunal of the American government.

For 22 years he was chief justice of the Supreme court of the United States. Chief Justice Marshall presided over the court for 34 years and Chief Justice Taney for 28 years. With the future mere the determination of his rank among the eight chief justices of history for ability and governmentalness.

Before Grover Cleveland sent his name to the senate on April 30, 1888, for confirmation as chief justice, he was practically unknown except to members of the legal profession. In Maine, where he was born on February 11, 1833, he had been known as a well-behaved, father scholarly lad. He had gone to Bowdoin college, and, fashionably, there won most of the prizes for elocution. He had gone down to Harvard law school for one year.

His Great Argument.

From 1856 to 1888 he lived in Chicago, but attracted little attention outside his immediate circle of friends and associates at the bar until he undertook the defense of Hinton Cheney on a charge of bribery. His knowledge of ecclesiastical history and procedure astonished those who conducted the case, and his argument of the cause of the bishop before the supreme court of Illinois is referred to still as a forensic effort seldom if ever surpassed in that court.

He was a delegate to the national conventions of the Democratic party in 1864, 1872, 1876 and 1880.

The nomination of Mr. Fuller, then fifty-five years of age, was followed by a memorable contest in the senate.

The judiciary committee, with its Republican majority, to which the nomination was sent April 30, held up the appointment until July 26. Then the committee reported it to the senate without recommendation.

For three hours that body debated in executive session whether to confirm or reject the nomination. The attack on Mr. Fuller was led by Senators Edmunds, Evarts and Sherman. Senators Colfax and Farwell defended him.

The reports that he had been a Democrat during the Civil war and that he did not possess the requisite ability as a lawyer were gone over.

His Great Victory.

Finally, by a vote of 41 to 20, his confirmation was confirmed.

Since that day the entire court as it then existed has passed away with the single exception of Justice Harlan. He was appointed in the fall over his confirmation only. Senator Edmunds, Senator and President Cleveland who thus honored the Illinois lawyer, has likewise gone to his rest.

Throughout his service Chief Justice Fuller was equal to the dignity of the office to which he filled the position. He performed his duties in the best way he could.

Although small of stature, not more than five feet seven inches, his wealth of silvery hair and classic features made him a commanding figure wherever he appeared.

Chief Justice Fuller leaves an indefinite stamp on the laws of the country. Among his most famous opinions are the following:

His Famous Decisions.

The income tax decision in which the income tax law was held to be unconstitutional.

The Danbury hat case, by which it was decided that a hat could be made in the German market for less than it could be made in the Danbury hat case, by which it was decided that a hat could be made in the German market for less than it could be made in the Danbury hat case.

The Western Union Telegraph company case, in which the Commonwealth of Pennsylvania, in which the state was decided the right to tax telegraph messages, except when interstate.

The Bank of Washington versus Hume, in which the insurable interest of the wife and children in the life of the husband and father was recognized as distinct from the claims of creditors.

Insular versus South Carolina Railway company, in which the railroad was denied the right to transfer its self from liability for its negligence to the purchaser of land, as well as the legal rights.

Leisy versus Hardin, in which the state was denied the rights over original packages of liquor in interstate commerce, an opinion which led to the passage of the Wilson liquor law.

Climatic Differences.

On the coast of northeastern Alaska the average annual precipitation is about twenty inches and cross grow to a large size. In the central plateau, the precipitation is less than fifteen inches, including the melted snow, and the average size of timber is small, while on the arctic slope, north of Rocky mountains, climatic conditions make forest growth impossible, and those vast tundras are covered with tufts, grass, sedges and a few small shrubs.

BALLINGER TO STAY

Secretary Has Conference With Taft, Will Remain in Cabinet.

DECLARES HE'S NO QUITTER

Carrying Out of Legislation Adopted by Recent Session of Congress is Subject of Discussion.

Beverly, Mass.—Richard A. Ballinger, secretary of the interior, announced after his conference with President Taft Tuesday that he will remain in the cabinet. No matter what the verdict of the congressional investigating committee the secretary decided that he will not resign.

Secretary Ballinger announced that the policy toward public domain would retain the spirit of conservation, but would also encourage the privilege of development. When asked, he refused to if and the Taft-Ballinger policy be said.

"You may call it what you like, but I will call it by the name I call it, the law free of the law.

Earlier in the day, before seeing Mr. Taft Mr. Ballinger said that he "was not a quitter," but would not discuss a resignation. After his talk with the president Mr. Ballinger announced positively that he would not quit.

"I am going to see things through," he added, when asked if he contemplated resignation.

The discussion with Mr. Taft centered on carrying out the orders issued by the president Saturday, and on carrying out legislation of the last session of congress.

The ten-day seclusion of the president has begun. Senator Warren of Wyoming and one or two others were delegated for an appointment. He was told that no engagement could be made with any one for ten days.

Among those who called on Secretary Dickman, Winthrop, assistant secretary of the navy, and Representative John Dwight of New York, Republican whip of the house, who came to Taft outlines, each accompanied by his family.

HUGHES FOR CHIEF JUSTICE

Governor Will Probably Succeed Melville W. Fuller, as Head of Supreme Court.

Washington.—With the death of Chief Justice Melville W. Fuller, the probable retirement of Associate Justice Brewer, Moody of the Supreme court President Taft will have the opportunity to fill three of the nine places.

Governor Hughes is talked of for Chief Justice. Hughes of New York who has been appointed by President Taft to succeed Justice Brewer, Justice Moody will be promoted to chief justice and Solicitor General Lurton, Chicago, solicitor general of the department of justice, will be promoted to fill Justice Moody's place. The other place to be made vacant by the death of Fuller is that of associate justice. It is known however that President Taft has considered Governor Hughes for the place, and it is said that he would like to see him appointed.

Should Justice Brewer retire, the president would be confronted with the problem of filling the place