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The Life of Joseph Rucker Lamar, by Clarinda Pendleton Lamar

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REVIEWS

THE LIFE OF JOSEPH RUCKER LAMAR*

Here is the engaging biography of "a great Judge," said William H. Taft, "who united with his eminent ability and learning the fine edge of high character, judicial quality and purity of purpose," and who bore a name, in the words of Albert Shaw, "distinguished in the annals of the South and of the Nation." This history is written by his wife, Clarinda Pendleton Lamar, herself, an honorary life member of the Georgia Bar Association.

Joseph Rucker Lamar (1857-1916), eminent Georgia lawyer and Associate Justice of the Supreme Court of the United States from 1910 until his death, was a cousin of the also distinguished Justice L. Q. C. Lamar, who was appointed to the Supreme Bench by President Cleveland.

This product of a talented lineage was admitted to practice at the bar of his native state, Georgia, at the age of twenty. An active career ensued, including, in addition to an increasingly remunerative practice which carried him as counsel into most of the important cases in his section, two terms in the state legislature, the chairmanship of the Georgia Board of Law Examiners, the presidency of the Georgia State Bar Association, much historical research in the preparation of a series of authoritative legal monographs, and a complete revision of the Georgia Civil Code, of which the Memorial of the United States Supreme Court had to say, "The manner in which he did this work classes him as one of the most capable of civil code authors." It was said of him that he was the "best lawyer in Georgia," and this may have been responsible for his appointment to the Supreme Court of that state, where he spent two years and rendered more than two hundred opinions, later resigning on account of ill health. He represented the railroads in the well known *Georgia Railroad Tax Case*, invoking for their protection the due process of law clause of the Fourteenth Amendment. "It has been said that this was the first time that the Supreme Court of the United States ever declared a State tax law unconstitutional and the tax void because contrary to the provisions of the Fourteenth Amendment." (P. 148.)

He was appointed to the Supreme Court of the United States late in 1910 by President Taft,—a somewhat striking tribute to a Democrat! In 1914, he served as one of the two commissioners representing the United States at the A. B. C. Mediation Con-

* The Life of Joseph Rucker Lamar, 1857-1916. By Clarinda Pendleton Lamar. G. P. Putnam's Sons, New York. 1926. Illustrated. Pages viii, 284. Price \$3.50.

ference, which probably averted a war with Mexico. He sat on the Bench for the last time in June, 1915, and the vacancy caused by his death early in 1916 was filled by President Wilson's appointment of Justice Brandeis.

Lamar did his own thinking, and "read incessantly, yet with judgment." A contemporary said of him, "His present learning is vast; his faculty for acquiring more, remarkable." He was "notoriously absent minded," so much so, in fact, that upon one occasion when he was about to embark for another city, he addressed a telegram to himself cautioning him not to forget to perform a certain errand! He was "unduly sensitive to criticism," and his practice of "underestimating his own abilities" amounted almost to a skill. "Firm for principle," he "never hesitated over a question of ethics." Senator Hoke Smith, of Georgia, said of him that before court or jury he was "clear, brilliant, logical, convincing," with "courtesy and perfect fairness" for the opposition, and giving a "sense of relief" to his colleagues when associated with him as counsel.

As a lawyer, Lamar made it a rule, when preparing a case for trial, to fight "pitched battles over every foot of the way." He loved the law, and the "working up of a case, the hunting down of a legal proposition, excited and stimulated him as a day with a dog and a gun stimulates a sportsman." It was a favorite theory of his that, since general practice carries him into such a varied field of human activity, the lawyer must of necessity "be one of the best informed and most widely educated of men . . ."

As a judge, whether on the Georgia or the United States Supreme Court, Lamar found his duties highly satisfying. He found pleasure in deciding impartially, without reference to clients or fees, what was the law. This is no place for a review of Justice Lamar's opinions. Mrs. Lamar has done that. It is enough to say that his opinions were brief and couched in direct, convincing, and non-technical language. Lamar occasionally "backed into" an opinion, giving as his final decision a holding quite unexpected from his opening premises. He was not a dissenting judge, and during his five years on the Supreme Court he delivered only eight written dissents. As a tribute to the care with which Justice Lamar prepared his opinions, Judge Henry T. Lummus of the District Court has said that, "The best law student's opinions ever written from the Supreme Bench of the United States were those by Lamar . . . Each of these opinions teaches conclusively the law at the time he wrote it." Justice Hughes once remarked to Mrs. Lamar that when it came to delivering opinions from the Bench, Lamar was the Court's "star performer."

Justice Lamar often emphasized the growth and development of the law. He believed in the law's absolute supremacy and argued that "not even the people directly can be said to reign in America. It is only the people's will, as expressed in the laws which they make for themselves, which is supreme." In his own words, "We ought not to put ourselves above the law . . .

We can afford to let the law take its course. Lynch law has no place on American soil."

The book as a whole is exceptionally well done. Mrs. Lamar has had previous valuable literary experience which in itself suffices to place this biography upon a higher plane than many of those written by a member of the subject's family. There are many narrations of human interest, a pleasing spattering of humor, and much sparkling description, even though frequently the narration and description impressed the reviewer as being irrelevant and out of place in a biography. Chapter XII, entitled "Washington in President Taft's Time," is, as the heading might imply, very largely a resumé of the official social life of the latter part of that administration, while Chapter X, under the caption "The Supreme Court of the United States," might just as accurately have been denominated "Social Ways of Official Washington." Several pages of irrelevant narration concerning our troubles with Mexico in 1914 are included in Chapter XIII, "The Wilson Administration," while in the following chapter the author relates a certain incident merely to illustrate the "sporting instincts of the American newspaper man"! The tributes to Lamar's ability as a lawyer at the time of his appointment to the Supreme Bench seem somewhat misplaced in Chapter VI, "An Old Fashioned Attorney," and would have appeared more logical, it seems, in Chapter IX or Chapter X, *post*.

The reviewer does not wish to give the impression that these "*obiter dicta*" detract from the interest or the general attractiveness of the work, because such is not the case. Even though these asides may seem out of place, the readability of the book is quite definitely enhanced.

As might be expected, the biographer seems to consciously eulogize her subject. It is only human to praise those who are closest to us and to refrain from detracting from the sum total of their attainments. However, this eulogistic treatment gives the work something of an idealistic tone which, perhaps, makes it the more inspirational because, wrote Ex-President Taft, "The success with which he [Lamar] achieved his high ideals is a real basis of optimism."

The book appears practically free from errors of fact, although a few have crept in; for example, at page 232 where it is stated that the Supreme Court was organized in 1789 with seven members. Some readers may have difficulty in reconciling the assertion at page 61 that Lamar "made it a rule to go into every trial expecting and prepared for defeat" with one at page 108 that "he rarely allowed a case to come to trial unless there was a fair chance of success." Minor typographical errors were noted on pages 74, 90, 91 and 239.

All in all the book should prove enlightening as well as captivating, to the layman, the student, and the practicing lawyer.

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