
George W. Stengel
This is the first biography that has been written of the Chief Justice from 1888 to 1910. His term of twenty-two years was longer than that of any of our Chief Justices except Marshall and Taney.

In the first 100 pages of the book, the author portrays Fuller's life prior to his appointment as Chief Justice. Both of his parents were of distinguished New England ancestry. His maternal grandfather, Chief Justice Weston of the Supreme Court of Maine, traced his ancestry in this country back to 1644, when the first Weston came to Salem. His father was a descendant of Edward Fuller, whose name appears on the Mayflower Compact. Both families had intermarried with several of the most distinguished families of New England. The Fuller-Weston marriage, however, was doomed to short duration. Three years after the marriage, Mrs. Fuller obtained a divorce on the ground of adultery and took her two sons, Melville and his older brother, to live with her father. As to the family characteristics which the Chief Justice inherited, the author says, "From the Westons, Chief Justice Fuller inherited his sensitivity and conscientiousness, his gentleness and kindness, and his capacity for methodical work and monkish study; from the Fullers, his passionate and romantic traits, his independence of judgment and his genius for friendship." The two people who contributed most to his development during his youth were his mother and his grandmother, Mrs. Weston. His father contributed nothing. Although he was handicapped by being a child of divorced parents, the author believes that it gave him an early education in diplomacy which was valuable to him all through life.

After graduating from Bowdoin College and attending Harvard Law School, Fuller was admitted to the bar in 1855. He then became editor of the Augusta Age. The next year he became City Solicitor and President of the Common Council, but resigned from the two offices two months later in order to move to Chicago. There has been some speculation as to why he suddenly moved to Chicago when he was doing so well in Augusta. The author attributes it to a broken engagement.

After moving to Chicago in 1856, he became a member of the Illinois State Constitutional Convention in 1862, was elected to the Illinois Legislature in 1863, and was a delegate to the National Democratic Conventions from 1864 to 1880. Despite these and many other achievements during his first eight years in Chicago, his life could hardly be called a success. His income was at the starvation level, he had been disappointed in politics, and his first wife died of tuberculosis, leaving him with two small children. Thenceforward, however, things were different. When he remarried in 1866, he was able to go abroad for a honeymoon. His net income prior to
and including 1865 had not exceeded $2,000. For 1866 it was about $11,000, and in 1867 it rose to over $18,000.

The disappointments and defeats which Fuller suffered during his early years in Chicago seem to have made him more understanding and conciliatory. In his early life he was a violent partisan in politics. The vituperation and invectives which he used in vilifying his opponents drew a sharp rebuke from Grandma Weston. "You will be just as likely to be chosen President," she wrote him, "if you don't knock everybody down who presumes to differ from you," With reference to this suggestion, the author says, "But never was advice more sharply spurned; never was retribution more complete; never was a lesson better learned."

One of the most interesting chapters of the book is the one concerning Fuller's appointment as Chief Justice. It is always interesting to learn why a man was appointed to the Supreme Court. The author discounts most of the speculations and myths concerning Fuller's appointment; he says Fuller had been an intimate friend of President Cleveland for many years and was chosen because of his "age and location, professional eminence and reputation for integrity." His political philosophy and his stand for sound money and against a protective tariff were "strong additional reasons."

From the time of Fuller's appointment, the book becomes largely a history of the Supreme Court during the period that Fuller was Chief Justice. Immediately after taking the oath of office, Fuller began cultivating the friendship of the other members of the Court. They were extremely able and forceful men, but with divergent backgrounds and philosophies. The author's descriptions of some of the justices are remarkably vivid. The two titans on the Court were Miller and Field. Samuel F. Miller, "a big man—blunt as a hippopotamus and candid as sunlight," was sometimes referred to as "the greatest figure in constitutional law since Marshall." Stephen J. Field, after achieving high honors in college and traveling abroad, had practiced in New York with his brother David1 (author of the Field Code) for several years before going to California during the gold rush. "His career there had been turbulent, involving near-duels, disbarments and reinstatements; election to the legislature, where he secured the adoption of the Field Codes; and, finally, brilliant service as a judge of the Supreme Court of California." His distinction as a judge "lay in his iron character, earnestness, intensity, and persistent force"; but he was "self-confident almost to the point of being offensive" and was "sometimes hot-tempered and vindictive." When Fuller, who was 5½ feet tall and weighed 114 pounds, was appointed to the Court, a prominent Chicago lawyer said, "Field will eat him in one bite." Other justices on the Court when Fuller ascended the Bench were Joseph P. Bradley ("the Justice Holmes of that Court"), John

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1. Another brother, Cyrus, laid the Atlantic Cable; and his brother Henry, hero of All This And Heaven Too, was a prominent clergyman. His nephew, David J. Brewer, later became Field's colleague on the Court.
Marshall Harlan (“a tall, aggressive, courageous man who made up his mind regardless of the opinions of others”), Horace Gray (“the legal scholar” of the Court), Samuel Blatchford (“the work horse”), Lucius Q. C. Lamar (a man of varied achievements, including professor of mathematics, author of the Mississippi ordinance of secession and Confederate Envoy to Russia; he was “perhaps the Court’s most thoughtful member”), and Stanley Mathews (whose seat was vacant because of an illness from which he never recovered). The manner in which Chief Justice Fuller won the friendship and respect of each of these associate justices, and those who followed them, receives generous approbation from the author. In being friendly, however, Fuller did not sacrifice any of his principles or independence of judgment. He had learned how to disagree without being disagreeable.

An entire chapter is devoted to Fuller and Holmes. The author says their friendship was one of the most notable in the history of the Court and was unusual because they were so different: “Holmes was a Republican; Fuller a Democrat. Fuller was a devout churchman; Holmes a skeptic. Holmes had fought valiantly in the Civil War; Fuller had been lukewarm about it. Fuller had an immense sympathy for the common man; Holmes was an aristocrat and repudiated the title of humanitarian. Fuller suffered fools gladly; Holmes abhorred them. But they were together in their devotion to the Bill of Rights, as well as in their reluctance to strike down state laws under the Fourteenth Amendment. Both were descendants of a long line of New England intellectuals, and their schooling had been similar.”

In his estimate of Chief Justice Fuller, the author believes the source and secret of his success lay in his character rather than in his intellect. “His mental attainments inspired respect — even admiration — but not awe.” Several of his associate justices (e.g., Miller, Field, Bradley, Gray, White or Holmes) surpassed him in legal erudition. But his dignity and demeanor — blended with great humility and an unusual sense of humor, his rare capacity for friendship and complete freedom from rancor, and his strict impartiality made him an extraordinary Chief Justice. Justice Miller, who served under Taney, Chase, Waite and Fuller, said that, “Fuller was the best presiding judge.” And Justice Holmes, who sat under Fuller, White, Taft and Hughes, said, “As a presiding officer, Fuller was the greatest Chief Justice I have ever known.”

The author, a practicing attorney in Chicago, modestly calls himself an amateur biographer and says he wrote the book as a hobby. He can be justly proud of his work. In writing it, he has done a tremendous amount of research, and his style of writing is terse, lucid and fluent. Several important Supreme Court cases are interestingly reviewed. Although he has not discovered anything sensational concerning them (which has not heretofore been disclosed), that is to be expected in view of the research that others have done. His main purpose was to portray Chief Justice Fuller as
a man. In that he has eloquently succeeded. Anyone who reads the book, whether lawyer or layman, will have a better appreciation of Chief Justice Fuller and of the Court over which he presided.

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The era in which an attorney's proficiency was measured by his knowledge of the law of his own jurisdiction has been relegated to the past. Counsel of the mid-Twentieth Century may well expect to be called upon at any time to proffer advice requiring a working knowledge of the laws of several states and one or more foreign nations. Especially is this true in an area such as South Florida where we find that the advent of swift air transportation has brought Cuba far closer than our nearest sister states, Georgia and Alabama. Thousands upon thousands of turistas Cubanas visit and shop in the Greater Miami area each year. Their investments in this country, and particularly along the Gold Coast of South Florida, have reached astounding proportions. Their attorneys, whether here or there or both, must be able to evaluate their clients' problems equally in terms of our own laws and those of a nation employing a Civil Law concept, vastly different from our own.

Professor Schlesinger's book is not designed to give a substantive legal knowledge of any one, or group, of the Civil Law nations. Rather, it is the author's intent to confer "that modicum of understanding" which will enable the American law student and attorney to converse and correspond intelligently with his civilian brethren. To this end it is indeed an excellent contribution to an, as yet, neophyte field of Anglo-American legal study. One who completes a course of study based on this book will undoubtedly not have even the slightest notion of the requisites for devising Mexican real property, but he will have gained some insight into where he should look and the relative values of what he finds. Far more important, he will probably have acquired a much deeper appreciation of our own Anglo-American common law.

The compiler is one of those rare persons who is eminently qualified to write on the subject of Comparative Law. He has undergone a complete legal education in both Germany and the United States, and thus has a far greater understanding of both systems than does the student of either one alone. In addition, he has made a number of valuable contributions to the field in the form of law review articles.

The author (and he may well be called that, for his notes are extensive...