

267 West 73rd St.,
New York, March 16, 1907.

My dear Judge Clark:

I was very glad to learn by your letter of the 20th of December that you were well on the way to recovery from your late illness. To one who has been so active a worker as yourself, an enforced cessation is very irksome, and it is not the less so when it comes as an admonition on account of excessive application.

We have the pleasure
of seeing your son, Conway,
from time to time. We are
always glad to see
him. Lately he has been
passing through a very
severe winter, the worst he
has seen here. I have not
been able to take him to
Mr. Straus, since the latter
left New York when he
was appointed to the Cabinet,
and closed his house for
the time being. He and his
family will remain in
Washington during his
term of service there. Mrs.
Simon Sterne I have never

had the privilege of meeting.

Mr. Straus, when you met him, doubtless was, as you recollect, a Democrat in regular standing. His brothers were strong Democrats and Tammany men. One of them, Nathan, was one of the most prominent supporters of Hearst in the last campaign. The other, Isidor, also remains a Democrat. Oscar, however, was known as a "Gold" Democrat in 1896, as most of the leading Democrats in the East were; but he continued to be classed as a Democrat till the ^{presidential} last campaign, in 1904. Previously to that, Mr. Roosevelt had appointed

him as one of our representatives
on the so-called Hague court,
and I think that his transition
from the Democratic to the Re-
publican party was largely
due to the relations which
he formed with President
Roosevelt.

The apparent inconsistency
between the election of Hughes
on the one hand, and of
Tamm, Taft or Hearst judges
on the other, is readily
explained. The Hearst judges,
of whose election you saw
the report, were elected in
the City of New York. They
were ~~the~~ judges of the
Supreme court of the

State; but this court sits and is elected in certain judicial divisions, one of which is composed of the city of New York. The Hearst judges, so-called, were elected in and for this city. Hearst himself carried the city by upwards of 60,000 votes over Hughes; but Hughes got in on the vote of the State outside the city, which was sufficient to overcome Hearst's majority here. The Hearst judges polled almost the entire Tammany vote.

I do not believe in the election of judges. It is a system that has unfortunate results in this city, and I do not believe in it anywhere. Even though it may not exclude good men from judicial station, it impairs the independence of the bench and permits the introduction of political influence into the proceedings of the courts. I have often heard it asserted, by persons who have considered the subject, that the elective system produces as good judges

as the appointive system; but it seems to me that this test is altogether insufficient. I have been in the habit of thinking that nothing was so essential to a useful judiciary as independence of all private or political influence; and this the elective system will not give, unless both parties, as is sometimes the case, agree practically to abolish the competitive party feature by uniting on candidates.

We trust that we may have the pleasure of seeing you here again, with

any of your family who
may come with you. Mrs.
Moore & the children wish
especially to be remembered
to Miss Esma, whose visit
here they often recall.

I trust that you have ~~see~~
this received my voluminous
Digest of International Law.
It is not intended for quick
consumption, but contains
much matter.

Very sincerely yours,

J. P. Moore.

To Mr. Joshua A. Inglis Clark,

to

They are giving a large dinner to Mr.
Bryce here on Saturday next the 23rd.