

267 West 73 St.

New York, March 16, 1907

My dear Judge Clark:

I was very glad to learn by your letter of the 20<sup>th</sup> 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 Simone[?] 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 [Jammay[?]] men. One of them, Nathan, was one of the most prominent supporters of Hearst in the last campaign. The other, [unreadable name], 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 last presidential campaign, in 1904. Previously to that, Mr Roosevelt had appointed him as one of our representatives on the on the so-called Hague Court and I think that his transition from the Democratic to the Republican 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 Jammay[?] 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 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 Jammay[?] 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 election system produces as good judges as the appointive system; but it seems to me that this lest[?] 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 ou[?] 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 and the children wish especially to be remembered to Miss Esma[?], whose visit here they often recall.

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

Very sincerely yours,

Signature [illegible]

To Mr Justice A. Inglis Clark,

[illegible, illegible, illegible]

We are giving a large dinner to Mr Bryce here on Saturday next the 23<sup>rd</sup>.