

**MEMORIAL EXERCISES OF THE BOSTON
BAR ASSOCIATION BEFORE THE
SUPREME JUDICIAL COURT
IN MEMORY OF THOMAS M. BABSON
HON. HENRY N. SHELDON, PRESIDING,
DECEMBER 14, 1912**

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Thomas M. Babson

Bar association of the city of Boston

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MEMORIAL EXERCISES OF THE
BOSTON BAR ASSOCIATION
DECEMBER 14, 1912

REMARKS OF
ATTORNEY-GENERAL JAMES M. SWIFT.

May it please your Honor:

In accordance with long-established custom, it is my privilege, as Attorney-General of the Commonwealth, to present to this Honorable Court a memorial adopted by the Boston Bar Association upon the death of the late Thomas M. Babson, and to move that it be spread upon the records of this court. As my own practice has been in the main in another section of the State, I did not have that intimate personal acquaintance with him nor the opportunity of observing him in the trial of causes and the administration of his office that the members of the Boston bar have had, and I do not feel that I can so well speak the sentiments to be expressed by his associates to-day.

The fact that the court has departed from the custom which has generally been followed of simply receiving such a memorial itself attests the leading position of Mr. Babson at the bar and in the community and declares the high esteem and regard in which he was held.

THOMAS M. BABSON

For more than thirty years Thomas McCrate Babson served the city of Boston in its legal department, beginning in 1879 as fourth assistant city solicitor, and later as second and first assistant, until in 1891 he was appointed to the highest office, that of corporation counsel. From that date to the time of his death, more than twenty years later, he was the head of the Law Department of the City of Boston, with the title either of corporation counsel or city solicitor.

His name appears in the reports of the decisions of the Supreme Judicial Court as counsel for the city of Boston for the first time in 1880, in the 128th volume of the reports, and for the last time in the latest bound volume of the reports, the 211th. There are but few of the eighty-odd volumes of our latest reports in which his name does not appear as counsel for the city in some one or more important cases. The varied and difficult questions involved in many of the cases in which he represented the city demonstrate alike his versatility and resourcefulness of intellect, his knowledge of the law, and his fidelity to his client's interests. Indeed, it might almost be said that no better memorial need be preserved upon the records of this court than is contained in these printed volumes of the reports of the decisions of the court. But his brethren of the bar are not content that the only memorial shall be in the cold type of the formal record of these decisions. They desire to have spread upon the records of this court a memorial

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that may show for all time the esteem and respect which they felt for him as a lawyer and as a man.

Although of Massachusetts ancestry, he was born in the State of Maine, that mother of so many great and rugged sons. Except for a brief period the whole of his mature life was passed in Boston. The opportunities for a full education seem to have been denied him. He was admitted to the bar in 1868. From that time until his appointment to the Law Department the records of his life show him to have been industrious and ambitious to succeed, and he brought with him to the work of that department all the best traditions and habits of thought of the best New England ancestry. He was interested from the first in the many and difficult legal questions which necessarily came to the department with which he was so prominently identified and of which he was the head for so many years. He devoted all of the years of his service to unremitting thought and toil and achievement. Few men have been privileged to represent the interests of one single client for more than thirty years and to have carried on the work of that client from the time when he was a young man to almost literally the day of his death. All the justices of the Supreme Judicial Court and of the Superior Court who were on the bench at the time of his appointment to the Law Department have ere this passed away. If I may use the expression, several generations of judges have presided in the courts in which Mr. Babson has appeared as counsel for the city of Boston.

THOMAS M. BABSON

The present justices of the two courts knew him, I take it, as did their predecessors, as an honest-thinking, sincere-speaking, able, and strong advocate in the trial of the causes and the arguments of the law. Probably few men at the bar have been regarded with greater respect by the judges of the courts and by their brethren of the bar than was Thomas M. Babson.

Of his work before this court the records of the cases reported show him to have been a man of regularity of thought, of a thorough knowledge of municipal law, and a power of expression and presentation of views.

Of his work in the trial of jury cases in the Superior Court no available record can exist except such as may be set forth in the terms of the memorial presented to this court and in the statements of the affectionate memory of his many antagonists in the trial of specific cases. He brought with him to the actual trial of cases in the court-room the same standards and the same manner of thought and speech that he had in his personal relations. He combined to a great degree the simple democracy of a natural, unaffected person with the old-fashioned dignity of the self-respecting New England citizen, and he preserved always the traditions of the best type of the Massachusetts lawyer.

In addition to the great number of cases in which he actually appeared in the court-room, both in the arguments of questions of law and in the actual trial of cases, it is but history to say that he did a

THOMAS M. BABSON

vast amount of work in connection with the adjustment of cases in his office. In the consideration of questions of law and of justice as between persons presenting honest claims for adjustment he was considered uniformly fair and appreciative of the rights of the individual members of the community as well as loyal and conscientious in the preservation of the rights of the corporate client which he represented. His private and public life were unblemished. His standards were high. He was a strong character, whose personality will long linger as a happy memory to his brethren of the bar, who request me as their representative to move that their memorial be spread upon the records of this Honorable Court.

I now have the honor to present the Memorial.

MEMORIAL.

It is one of the advantages of our profession that we come into such close mental and moral contact with men that we learn their characteristics, determine their worth, and can, with no little accuracy, estimate their intellectual position and their character. The conclusion reached about any man is usually not the result of any attempt to form an opinion about him, but it is the result of a multitude of impressions produced by numerous words and acts extending through years, and which are the uncon-