

and horticulture, he devoted much of his life to his chosen field. He was an amateur botanist of more than ordinary ability, his particular interest being the classification of New England flora. He was a leading member of the Massachusetts Horticultural Society and for three years its president, an early member of the New England Botanical Club, and a benefactor of the Gray Herbarium of Harvard University. He was unmarried, living at his attractive home in Milton, an eighteen-acre estate noted for its trees, shrubs and flowers. He was long active in charities, was a trustee of the Milton Public Library, and trustee and president of the Massachusetts General Hospital. He was interested in history, was president of the Milton Historical Society, and in 1932 wrote an excellent volume, "The First Sixty Years of the Milton Public Library."

Mr. Kidder was elected to the American Antiquarian Society in 1916, and until the last part of his life was a constant attendant at the meetings. He was a frequent donor of historical material to the Library. By the terms of his will, he bequeathed \$5000 to the Society, which has been set up as the Nathaniel T. Kidder Fund.

C. S. B.

ARTHUR PRENTICE RUGG

Arthur Prentice Rugg, Chief Justice of the Massachusetts Supreme Court and President of the American Antiquarian Society, died of pneumonia, after a short illness, at his summer home in Sterling, June 12, 1938. Of early New England stock, a descendant of John Rugg of Watertown, he was born on a farm in Sterling, Mass., August 20, 1862, the son of Prentice Mason and Cynthia (Ross) Rugg. His father, who was farmer, school-teacher, and selectman, gave the son his early education in the district schools of Sterling and the Lancaster High School. He then entered Amherst College, from which he was graduated in 1883

with the degree of A.B. He continued his studies at Boston University, earning money to work his own way through the law school, and was graduated in 1886 with the degree of LL.B., and was class orator.

After admission to the bar in 1886, Mr. Rugg came to Worcester and entered the law office of John R. Thayer. Five years later he was taken into partnership. Although ex-Congressman Thayer was an ardent Democrat, and Mr. Rugg a Republican, there was only the utmost harmony in their twenty years of association. Mr. Rugg was elected to the Common Council in 1894 and became president of that body in 1895. In the latter year he became assistant district attorney for the Middle District (Worcester County); he resigned in 1897 to become city solicitor, which office he held for nine years. In 1906 he was appointed by Governor Curtis Guild associate justice of the Supreme Judicial Court, one of the youngest men ever to serve on the Supreme bench in Massachusetts. In 1911, Governor Foss, a Democrat, appointed him chief justice, a rather surprising appointment that was well received. He held this high office until his death.

During his thirty-two years on the Supreme bench, Chief Justice Rugg wrote hundreds of opinions which were given wide recognition as models of learning, clarity and power of expression. Many important cases came before him, such as the Tufts removal case, the Pelletier removal case, the Boston fish monopoly case, and the constitutionality of the Massachusetts Unemployment Compensation Law. Over one-third of the three hundred volumes of Massachusetts Reports contain his opinions. His profound knowledge of the law, his exceptional fair-mindedness, the orderly and understandable exposition of his views, his own exemplary private life, and his long career as a rugged individualist combined to make him one of the outstanding jurists of the nation.

Mr. Rugg was a prodigious worker, always willing to assume more than his share of the burdens of the bench.

He gave all of his strength to his judicial proceedings, only assuming other duties where he thought there was a moral obligation. Although his primary concern was the Supreme Court, he manifested from early life a keen interest in historical research. In 1893 he contributed a paper to the Worcester Society of Antiquity, which was printed in its *Proceedings*, on "Farm Life in Colonial New England," in which he combined investigation in the early records with his own boyhood knowledge. Much interested in his native town of Sterling, he delivered the Address at the McKinley memorial service in Sterling, September 19, 1901, an oration replete with impressive wording and sympathy for the martyred President. In 1919 he made the address at Sterling in connection with the presentation of the portrait of Lord Stirling and in 1931 the address at the 150th anniversary of the incorporation of Sterling. Always an admirer of Abraham Lincoln, he delivered the oration in connection with the centennial anniversary of the birth of Lincoln, at Mechanics Hall in Worcester, in 1909; and in the same year read before the Worcester Society of Antiquity an address on "Abraham Lincoln in Worcester," an entertaining paper based on reminiscence and research which is today sought by Lincoln collectors. Other historical papers were the "Address Delivered at the Dedication of the Beaman Memorial Public Library, West Boylston, Mass.," 1912; "Obedience to Law is Liberty," 1915; "The General Court of Massachusetts (Tercentenary oration)," 1930; and occasional addresses delivered before the American Bar Association and other organizations.

Mr. Rugg's inclination toward historical research caused his election to the American Antiquarian Society in 1908. He immediately took much interest in the Society's affairs, and was chosen to the Council in 1909. In 1919 he was elected vice-president and in 1933 succeeded Calvin Coolidge as president, holding the office until his death. He was a faithful attendant

at the meetings, and in 1920 read a paper, based on an original manuscript in the Society's possession, entitled "A Famous Colonial Litigation, the Case between Richard Sherman and Capt. Robert Keayne, 1642," a paper of far-reaching interest, since it was this case that occasioned the bi-cameral legislature in Massachusetts. He was deeply concerned in the Society's affairs and loyal to its reputation. With a mind highly attuned to the value of historical research, he felt a deep sympathy with the objects of the Society, and strove at every opportunity to advance its cause. It was he who by his enthusiasm and by the integrity of his own character induced the late Mr. Coolidge to assume the office of President. When it came his turn to be approached to fill the same office, he accepted as well from his sense of duty as for his interest in the Society's work. In presiding at meetings both of the Council and of the Society, he exercised a graciousness and a precision which elicited the admiration and the affection of the members. The clarity of his thought, the charm of his expressed utterances, the punctiliousness of his devotion to the smallest details, and the high regard in which he was universally held, made him an ideal president for the organization.

He was elected to membership in many societies—the Massachusetts Historical Society, the Colonial Society of Massachusetts, the American Academy of Arts and Sciences, the American Association for the Advancement of Science, the New England Historic Genealogical Society, the American Law Institute, and the national and local bar associations. Among the Worcester organizations to which he belonged, he took the greatest interest in the Worcester Fire Society to which he was elected in 1907, and the St. Wulstan Society, to which he was elected in 1909. The latter society held an especial attraction for him, and at its meetings he read many papers on historical and legal topics, took pleasure in entertaining the members, and established social contacts with those who grew to know him intimately as a friend.

He maintained a constant interest in the colleges where he had studied, and particularly in his Alma Mater, Amherst. He was a trustee of Amherst College, and also of the Massachusetts Institute of Technology, Boston University and Clark University. His distinguished services as a jurist brought him the honorary degree of LL.D. from Amherst in 1908, Harvard in 1914, Boston University in 1923, Williams in 1924, Dartmouth in 1936, and Boston College in 1938. His portrait painted by Charles S. Hopkinson hangs in the Worcester County Court House.

His friendship with the late Calvin Coolidge was one of the notable incidents of his life. Graduated from the same college, brought into frequent association in State affairs, and holding similar high ideals of public service, the two men had many bonds of intimacy. There is but little doubt that if Mr. Justice Holmes had retired from the United States Supreme Court during the Coolidge administration, the President would have appointed Mr. Rugg to his place. After Mr. Coolidge's death, it was natural that his friend, the Chief Justice of Massachusetts, should be called upon to deliver the Memorial address before the two houses of Congress. This carefully prepared oration was one of the outstanding utterances of his career—sympathetic, heartfelt and abounding in imaginative yet simple expression of thought.

Mr. Rugg's family life was modest in the extreme. He married at Worcester, April 10, 1889, Florence May Belcher, daughter of Charles and Esther (Jewett) Belcher, who with three children—Charles Belcher Rugg, Arthur Prentice Rugg, Jr., and Esther Cynthia Rugg (Mrs. Sidney H. Wirt) survive him. He lived simply both in his Worcester house on Pleasant Street; and at his summer home, "Sholan Lodge," at Sterling.

One cannot consider the life of Chief Justice Rugg without noting the uprightness of his character. He had profound convictions and believed implicitly in the sanctity of the law and of moral obligations. His out-

look on life was serious, even to the point of austerity. Yet his varied experiences and his contact with the vagaries of human conduct prevented his philosophy from becoming intolerant. He was essentially fair-minded and accessible to legitimate opinion. Unlike many of Puritan mold, he was approachable. Always courteous and dignified, he had a noticeable charm of manner. His cheerful greeting, his observance of the refinements of social intercourse, and his deep human sympathy endeared him to his acquaintances, and inspired their affection. He will live in memory as a respected citizen, a great jurist, and a kindly friend.

C. S. B.

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