

[McAdam, David]

JUSTICE M'ADAM DIED AFTER AN OPERATION

Cancer Had Been removed from His Tongue on Monday Last.

PUT OFF ORDEAL TILL HE FINISHED CASES.

In His Thirty Years of Continuous Service on Bench He Never Had Missed a Day.

Justice David M'Adam of the Supreme Court of New York died at 7 o'clock yesterday morning in the sanitarium of Dr. William T. Bull, No. 33 East Thirty-third street, where he underwent an operation on Monday last for the removal of a cancerous growth affecting the tongue. The operation was regarded as completely successful, and Justice McAdam seemed to be recovering rapidly until Saturday morning, when he began to experience heart weakness. After midnight of Saturday he began to sink and the members of his family were summoned. His wife and four children were with him when he died.

The cancerous affection was noticed first last June. Justice McAdam continued his judicial duties during the summer, sitting for two of the other Justices in July and August. Three weeks ago his condition became so aggravated that a consultation was held by Dr. Buckley, Dr. Bull and Dr. McBirney, who decided that an immediate operation was necessary. Justice McAdam, however, refused to undergo an operation until he had disposed of the cases then before him. One week ago Friday he handed in his last batch of decisions, and the following day he performed his last judicial duty, which was the signing of the injunction restraining Commissioner Keating from going ahead in the Bronx Concourse grab. The following day he went to the sanitarium, and the day following that the operation was performed by Dr. Bull, assisted by Dr. Walker and Dr. Denton.

A SLAVE TO DUTY

By refusing to go under the knife until he had finished the cases before him Justice McAdam was able to round out a career that has few parallels in the history of the bench. During his thirty years of continuous service he never had missed a single day from his assigned duty, and never had been a minute late.

Following the operation Justice McAdam improved steadily, and was in fine spirits on Friday night, when members of his family left him. His wife was with him constantly until it was felt that the strain would be too much for her. Justice McAdam's secretary, Thomas F. Keough, who was present when the operation was performed, remained in constant attendance.

The funeral services will be held in the home of Justice McAdam, No. 354 West Thirty-third street, to-morrow night at 8 o'clock. The Rev. Dr. [Charles] Eaton, pastor, or his assistant, the Rev. Mr. Patterson, of the Church of the Divine Paternity [Fourth Universalist], Central Park West and Seventy-sixth street, will conduct the services. The burial will take place on

## [McAdam, David]

Wednesday in Tarrytown, where Justice McAdam bought a cemetery lot and family monument after the death of his mother, one year ago.

### WORKED HIS WAY UP.

David McAdam was born in New York of Scotch parents in 1838. His father, a tailor by trade, was a native of Glasgow. He attended the public schools of the city until he was ten years old, when he entered the law office of F. F. Marbury. He became Mr. Marbury's managing clerk when 17 years old, and four years later, in 1859, he was admitted to the bar. Early in his career he took a hand in municipal politics and in 1871 he was elected a justice of the Marine Court, now the City Court. He was re-elected twice, in 1879 and 1885. In 1883 he was elected Chief Justice of the court by his associates. It was mainly through his efforts that the jurisdiction of the court was enlarged and the name changed.

In 1890 he was elected Judge of the Superior Court, and in 1896 he became a Justice of the Supreme Court through the consolidation under the new constitution. He has been recognized as one of the hardest working Justices on the Supreme Court bench, being noted for the rapidity with which he was able to dispose of cases. A large proportion of the cases which he has had to decide have been divorce cases, and many instances are told of his having smoothed out matrimonial tangles for persons who thought they wanted to be separated.

### AUTHOR OF LAW BOOKS

As an author of standard works on legal subjects Justice McAdam was well known. Among his works are: "McAdam on Landlord and Tenant," "McAdam on the Stillwell Act," "McAdam's Marine Court Practice," and "McAdam on Names." When he died he had in preparation a work on "Negligence as Affecting the Relation of Landlord and Tenant."

He was the author of several important legislative enactments, among them being the act which prevents landlords dispossessing monthly tenants in the city of New York without giving five days' previous notice of their intention to pursue the summary remedy; the code provision authorizing courts to discharge debtors detained in civil process, who were unable to endure the imprisonment, and code provision authorizing courts to grant new trials in cases in which the complaint was wrongfully dismissed at the trial.

In private life Justice McAdam was noted as a man fond of brilliant company, and a lover of forensic discussion. In politics he always was a Democrat, and was elected to the positions he occupied as a candidate on the Tammany ticket. In 1879, when he ran for Justice of the Marine Court for the second time, he was the only candidate on the Tammany ticket who was elected, his plurality being 15,000. He was a member of Naval Lodge,

[McAdam, David]

F. & A.M.; Union Chapter of Royal Arch Masons; York Commandery, Ancient Order of United Workmen, and of the Bar Association, Democratic Club, Caledonian Club, New York Press Club, Twilight Club, Liederkrantz, Authors' Society, and Society of Medical Jurisprudence. He was also one of the original stockholders of the Law Institute.

A widow and four sons—Thomas, Edward G., Clarence and David—survive Justice McAdam.

*New York Press*, New York NY, Mon. 23 Dec 1901

Transcribed on 11 Sep 2013 by Karen E. Dau of Rochester, NY