

E. M. SHEPARD DIES AFTER LONG ILLNESS

New York Lawyer, Stricken on
June 16, Succumbs to Pneumonia
at His Lake George Home.

SENATORIAL FIGHT A STRAIN

For Years a Leader at the Bar and
Prominent in Local and
State Politics.

Special to The New York Times.

LAKE GEORGE, N. Y., July 28.—As the monastery bell at St. Mary's-on-the-Lake, which is directly opposite Erlovest, tolled the hour of 8 this evening, Edward M. Shepard, the New York lawyer, breathed his last. At the bedside were Mr. and Mrs. Charles S. Shepard, Miss Ella Shepard, Mr. and Mrs. John F. B. Mitchell, Mrs. C. B. Hewitt, Mrs. R. C. Leffingwell, and Edward Shepard Hewitt. Charles S. Shepard is a brother. Miss Shepard and Mrs. Mitchell are nieces. Mrs. Hewitt is his sister, and Edward Shepard Hewitt is a nephew of Mr. Shepard.

Mr. Shepard passed a comfortable night until 7 o'clock this morning, when he had a sudden relapse. Dr. F. I. Henning of Glens Falls who had, as usual spent the night at Erlovest, the Shepard Summer home, was summoned and realized that the end was near. He called Dr. G. R. Butler of Brooklyn, who is spending the Summer at Lake George, into consultation and they agreed that it was but a matter of hours before Mr. Shepard would die.

Mr. Shepard was unconscious most of the day. Shortly before he died he regained consciousness and as he looked upon the members of the family gathered in the room he said: "I know why you are here," and passed again into unconsciousness until the end.

P. C. Savage, secretary to Mr. Shepard, was the first to bring the word to the Erlovest employes, who were gathered near the house awaiting the feared report.

The funeral arrangements are not yet completed, and nothing definite will be announced until to-morrow. It is expected, however, that services will be held at Lake George before the removal of the body to Brooklyn, where Mr. Shepard is to be buried.

R. C. Leffingwell arrived at the Lake to-night. Lawrence Shepard, a nephew, and William Mason Smith, partner of Mr. Shepard, will arrive to-morrow.

Mr. Shepard had been ill since June 16, when he caught cold, and pneumonia soon developed. Before that, however, he had not been strong, due in great measure to his long fight against William F. Sheehan for the United States Senatorship from this State.

Mr. Shepard's Career.

Edward M. Shepard, although he never held an elective office, was for years a prominent and striking figure in politics, first in the old city of Brooklyn and later in the State and Nation. Whether fighting the regular party organization when it fell into hands whose aims and methods he could not approve or whether working with it at such times as a common ground could be found, his support was counted a distinct source of strength.

The culmination of his political career was reached last year when he was one of the leading candidates for the Democratic nomination for Governor, and at the beginning of 1911, when the loyalty and tenacity of his supporters for the United States Senatorship made possible the defeat of William F. Sheehan, the choice of the dominant Charles F. Murphy, leader of Tammany Hall. Mr. Shepard was not elected Senator, and indeed withdrew his candidacy toward the end of the long deadlock, but the result of the fight made by him and by his friends was the disruption of the forces on which Murphy had counted to empower him to name the successor to Chauncey M. Depew.

This most recent political activity of Mr. Shepard dated back to the beginning of the movement for sanity and character in the leadership of the party, which took form partly under the name of the Democratic League, and that inspired the rank and file with a new hope, leading to the election of Gov. John A. Dix and the expectation of a Democratic victory in the Nation next year.

This movement began with a conference at Saratoga in September, 1909, of which Mr. Shepard was Chairman. His speech laid the ground work for the harmonizing of the better element in the organization with the men who had been prominent in the party in the days of Grover Cleveland. At this conference the Democratic League was formed, and in its counsels Mr. Shepard continued to play an important part. The deposition of "Fingy" Conners as Chairman of the State Committee followed, and John A. Dix, Chairman of the League, became Chairman of the committee. Mr. Shepard was made Chairman of the Harmony Committee that brought together in August of last year all the diverse elements that were later welded into a solidified Democracy. He was made Chairman of a committee to draft a platform to be submitted to the Democratic State Convention, and when the convention was held he was made Chairman by the Platform Committee. The platform prepared by him, carefully worked out to put the party on a sound and winning basis, was adopted by the convention.

Picked as Gubernatorial Nominee.

During all this time it was freely predicted that Mr. Shepard would be the Gubernatorial nominee if a man from this city was chosen. Then followed the curious deadlock, when for days the convention marked time while Boss Murphy tried to make up his mind, with the aid of the long-distance telephone, as to who should receive the commanding support of Tammany Hall, and the choice finally fell on Mr. Dix.

When the Democrats not only elected Dix, but, somewhat to their own surprise, carried both branches of the Legislature, there was a spontaneous and almost general idea that Mr. Shepard would be chosen United States Senator without opposition. Democrats declared with pride that he was one of the few men in the State who could be regarded as the equal in intellect and in statesmanship of Elihu Root. Thomas M. Osborne, who had succeeded Mr. Dix as Chairman of the Democratic League, endorsed him. So did Mayor Gaynor. So far as the public was concerned, nobody had thought of William F. Sheehan, who had dropped out of public life about the same time as David B. Hill. He was

brought forward as a candidate, however, and at the proper moment Murphy declared for him.

The revolt of the insurgents, led by Senator Franklin D. Roosevelt, is too recent history to need recounting. After the resulting deadlock had lasted till the end of February, Mr. Shepard withdrew in the interest of the Democratic Party. Mr. Sheehan refused to follow suit, but the hopelessness of his cause was apparent long before the ultimate choice of James A. O'Gorman was made.

Many years ago Mr. Shepard had attained prominence as an advocate of reform in the tariff, the civil service, the ballot, and taxation. He was almost born into politics of the higher sort. His father, Lorenzo B. Shepard, had died at the age of 36 after a brilliant political career, in which he had become United States District Attorney at the age of 27, District Attorney of New York County, and Corporation Counsel in the days when these posts meant leadership at the bar. Edward M. Shepard, who was born in New York City, was only 6 years old when his father died, having been born in what is now the Borough of Manhattan on July 23, 1850. He therefore would have been 61 this month.

The elder Shepard's associates were men such as Tilden and Marcy, and his most intimate friend was Abram S. Hewitt. It was Mr. Hewitt who became the younger Shepard's guardian. He and his mother went to live in Brooklyn, then a separate city, and his early education was gained at Public School 13, in De-graw Street. From there he went to Oberlin College for a year. Next he went to the College of the City of New York, from which he was graduated in 1868.

Prosecuted John Y. McKane.

Afterward he studied law in the office of John E. Parsons, supporting himself by his own labors and qualifying for the bar in 1875. The following year he formed a partnership with Albert Stickney, an association that continued until 1890, when the firm of Parsons, Shepard & Ogden was organized. As a special Deputy Attorney General Mr. Shepard achieved great success in the prosecution of John Y. McKane and his henchmen, who, after stuffing ballot boxes in their balliwick at Gravesend, Coney Island, were pursued and brought to justice largely through the efforts of William J. Gaynor, now Mayor, and then a Justice of the Supreme Court. Mr. Shepard managed to send McKane and twenty of his followers to prison.

He performed another conspicuous service when he became a member of the commission appointed to fix the value of the plant and franchise of the Long Island Water Supply Company, which a ring of corrupt politicians was trying to foist on Kings County for the sum of \$1,250,000 and a contingent obligation of \$500,000 more. After the exposure of the deal Mr. Gaynor brought a taxpayer's suit in the name of William Ziegler to prevent its consummation, and this resulted in the appointment of the commission. This body was at first packed with tools of the corruptionists, but exposure weeded them out until the majority was composed of men who were determined to protect the public interests. For practical purposes Mr. Shepard was the majority, and he wrote the commission's report, which, with the approval of the Court of Appeals, saved a million dollars for the taxpayers.

Expert on Rapid Transit.

In his capacity as counsel for the Rapid Transit Commission, an office he held for several years, Mr. Shepard was responsible for the solution of the multitude of legal problems that arose in connection with the building of the Subway and the Brooklyn extension. In fact, he helped to draw the contract for construction work, and he became one of the greatest experts on rapid transit in New York, the board never making a move without consulting him.

When Mr. Shepard first began to interest himself in politics he soon showed a disposition to kick over the party traces. From 1883 to 1885 he served as Chairman of the Brooklyn Civil Service Board, and in 1884 he became a member of the State Forestry Commission, assisting in the investigation of the Adirondack and Catskill forest problems and drafting remedial legislation. A few years later he became a charter member of the Young Men's Democratic Club and under his leadership it grew to be a powerful organization in Brooklyn. When its functions were perverted to the aims of certain individual members Mr. Shepard withdrew, and in 1890 founded the Brooklyn Democratic Club, which exerted its influence toward the nomination and election of Grover Cleveland in 1892.

Misrule in Brooklyn led Mr. Shepard to organize the Independent Democracy in 1894 and oppose the nomination of David B. Hill for Governor. He knew Hill's weaknesses far better than many others, and when the Democratic candidate was soundly beaten at the polls by Levi P. Morton his political acumen was recognized. The logical result came to pass, for the Independent Democrats, then called the Sheperdites, put him up for Mayor of Brooklyn against Frederick W. Wurster, Republican, and Edward M. Groat, the regular Democratic nominee. Wurster won by a large majority, and for the time being the Sheperdites were in eclipse, although they did not regret the way in which they had protested against the rule of Hugh McLaughlin, the Democratic boss of Brooklyn.

Then came Bryan, with his free-silver platform, and Mr. Shepard became a delegate to the Gold Democratic Convention at Indianapolis, which nominated Palmer and Buckner. His independence led him to advocate the election of Seth Low as Mayor of Greater New York in 1897, the first city campaign after consolidation, and in one of his speeches he called Tammany Hall "the most burning and disgraceful blot upon the municipal history of this country."

Supported Bryan in 1900.

In 1900 he supported Bryan for President and spoke at a big meeting in Tammany Hall. Richard Croker listened intently to every word he said. After the meeting Croker said that Mr. Shepard was one of the ablest men in the Democratic Party. In the following year he was nominated, with Croker's consent, for Mayor of New York against Seth Low. It was a difficult campaign for Mr. Shepard. He said he would not excuse or recede from anything he had said about Tammany. He declared that no promise had been exacted from him, and that if elected he would be in the Mayor's chair, and nowhere else. His position was similar to that of Mr. Gaynor when he ran for Mayor with the aid of Tammany Hall two years ago. Croker had loaded his ticket with undesirables, and the fusionists had a moral issue in the red light evil and the police system under Devery.

Mr. Shepard could not have successfully defended Tammany on this issue, and did not try to do so. He promised reforms, and said that "corrupt politics of any party name can best be destroyed by pure, able, effective, and high-minded administration and by a wholesome and permanent improvement of political conditions." The people, however, remembering Tammany of old, did not believe Mr. Shepard could lead the organization single handed into the path of virtue, and so they elected Low.

Mr. Shepard advocated the election of Parker in 1904, saying that Roosevelt, whose doctrines he had opposed on numerous occasions, was the chief issue, and suggesting an attack on the protective tariff in detail. He emphasized this issue again in 1908, when he lent his support to the candidacy of Bryan, saying with insight which proved prophetic:

Faced with financial depression and popular feeling which endanger the tariff, not only do the Republicans skillfully seek to evade their danger, but they give us fair warning that some duties (and this, of course, means many duties) are to be raised. And for the first time in our political history a truly sinister programme is set forth. The Government, if Mr. Taft be elected, is expressly to assume as a duty the guarantee of reasonable profits to the small number of chief and already opulent beneficiaries of the protective tariff.

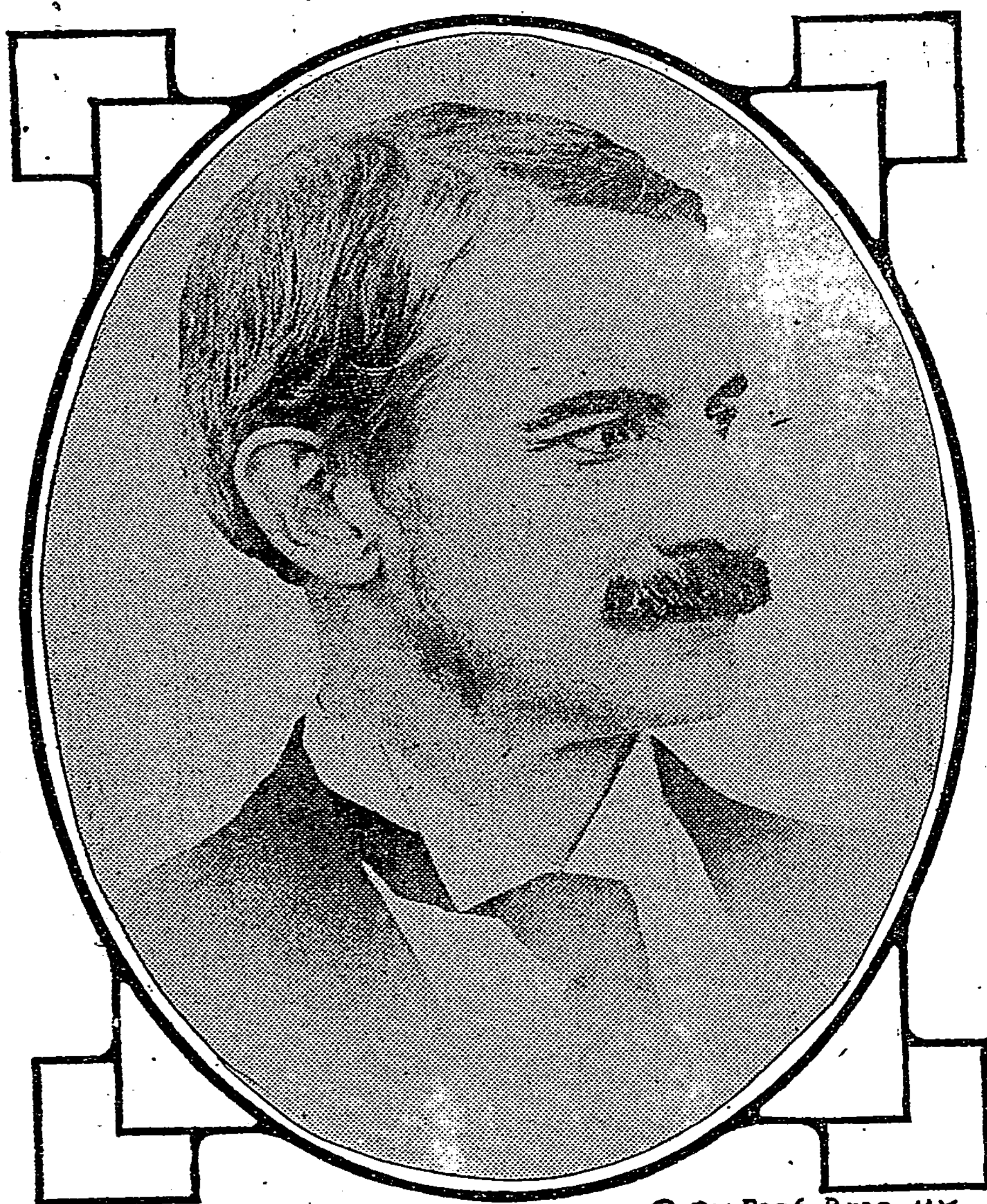
As schedules are made up by the Senate Finance and the House Ways and Means Committees, this means profits which those beneficiaries deem reasonable. That is to say, the United States at the expense of all its people, most of them poor men, is to continue the present profits to the Steel Trust and the other great beneficiaries of the tariff, and if the future is to be inferred from the past, the effort, in the case of Mr. Taft's election, will be to increase the profits.

"The second policy which Mr. Taft avows with honorable frankness is called the imperialistic programme. It means the perversion of the American Government from its true and traditional ideal of democratic and equal rights here and abroad to the ideal of military and naval power abroad, of rulership of other and weaker countries, and peoples against their will, and of that sort of overlordship and insolent discrimination of the weaker from the stronger which, from the American White House, found so preposterous an illustration in the President's dismissal of the two colored companies at Brownsville."

His Criticism of Roosevelt.

Another utterance of Mr. Shepard, made about the same time, proved applicable

Edward M. Shepard.



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last Fall to the renewed promulgation of Col. Roosevelt's policies.

"For months," he said, "President Roosevelt, our Chief Executive, has been going up and down the country planting the doctrine of discontent. He has excited jealousy on the part of the masses against the classes and has weakened confidence in our business structure. He has sowed the wind and we will reap the whirlwind.

"I, as a citizen, honor the Chief Executive of this great country, but I say to Democrats and Republicans alike that his speeches, no matter how intended, are persistently sowing the seeds of discontent, jealousy, and hatred between two great classes and destroying confidence without which no great work of commercial importance can be carried on."

Mr. Shepard was often assailed by his political opponents on the ground that he was a corporation lawyer, specifically because he had been for some years advisory counsel to the Pennsylvania Railroad and because of his membership in the firm of which John E. Parsons, chief counsel for the Sugar Trust, was the head. His views of the lawyer's relations to corporations and the public were expressed in a notable address delivered before the State Bar Association of New Hampshire.

"Every lawyer," he said, "by virtue of his very profession holds a relation to public affairs over and above his relations as a mere citizen. The men of our calling are, as men of many other trades and professions are not, bound to promote a sound framework of laws and jurisprudence for our civilization.

"The enormous share which corporate organization now has in modern industry, its enormous influence on every phase of modern life, inexorably impose upon lawyers who advise and guide corporations, a special and weighty and most honorable duty. If the men of our profession make it clear to the American people that in their public relations they are concerned to enforce truth and publicity upon corporations and upon all who derive from our laws any sort of franchise or right we may, I think, count it certain that the unjustifiable criticism and much of the ignorant hostility and suspicion from which lawyers suffer will disappear."

After Mr. Shepard resigned his connection with the Rapid Transit Commission he accepted retainers from corporations doing business with the city and the commission, and this involved him in a warm controversy with Controller Coler, who sought to make it appear that Mr. Shepard was treating a little lightly his professional obligations. In an open letter to his antagonist Mr. Shepard further developed his idea of the ethics of his profession.

"Even lawyers," he said, "have liberty as long as they are absolutely faithful in matters in which they have received their clients' confidence. Almost every Attorney General of the United States, every United States Attorney, Webster, O'Coner, Evarts, from the beginning, has, after leaving office, come to represent in new matters private persons or corporate interests in their relations with the Government. Almost every Judge, after he retires from the bench, as is illustrated by the case of a very distinguished lawyer, Judge Dillon, is at liberty in matters which have not been before him to represent private or corporate interests—even in cases against the Government under which he has held office."

Mr. Shepard, by reason of his connection with the Protestant Episcopal Church, was called into consultation on more than one occasion over intricate points of ecclesiastical law. His defense of the Rev. A. G. Cropsey, who was tried on heresy charges in 1906, was considered a notable effort, despite its failure, and brought to him the commendation of the broader type of churchmen.

An Experienced Campaigner.

As a political orator Mr. Shepard was regarded as an experienced campaigner and an incisive, thoughtful speaker, who combined with high ideals the astuteness of the trained lawyer, and the accomplishments of the scholar. Often compared with Elihu Root, he has also been likened to David B. Hill. Like Mr. Hill he was a bachelor, and like him he made a hobby of hard work in the law, as in politics. While not the recluse that Mr. Hill became in his later years, Mr. Shepard lived a quiet, rather secluded life. Those who knew him intimately said that he was essentially a man's man. His relaxations and tastes were nearly all of an intellectual kind. He took little time for exercise of any sort, and although he belonged to a number of clubs, both in Brooklyn and in Manhattan, he visited them only now and then, or when he had a definite purpose, such as an appointment. He was not a man who ever dropped into a club for mere sociability. He was celebrated, however, for his dinners to men, these being his chief form of recreation.

The only breaks in a regular life were when he sat up until 2 or 3 o'clock in the morning over his work. His absorbing pursuits were literature, politics, and the law. He interested himself in sun dials, and made a particular study of the literature of sun dials. He was a prolific writer, producing many scholarly monographs on social, economic, and political subjects. He was also the author of a life of Martin Van Buren, for whose career and that of Samuel J. Tilden, his father's friend, he had a great admiration.

Mr. Shepard's concern for his alma mater, the City College, placed him some years ago in the Presidency of the alumni and led him to take an active part in everything connected with the government and curriculum of the institution. He was later Chairman of the Board of Trustees and a Trustee of Packer Collegiate Institute. To the City College he gave a surprising amount of time, and his close associations with men he met there in student days served to increase his interest in the institution as the years passed.

In recent years he had been a member of the law firm of Shepard, Smith & Harkness. His outside interests, particularly his connection with the mining industry in Mexico, were extensive. His clubs were the City, Century, University, Reform, Hamilton of Brooklyn, and University of Brooklyn.

Tribute to His Services.

In an appreciation of Mr. Shepard, published recently, after recounting his fight on the McKane ring and his other public services, the writer says:

"The character to accomplish these labors and to mate with them must indeed be one of rare excellence. The ability to command these and cognate results is as versatile as great. The skill to unite all the forces for good government in politics and for justice in law is well known to be exquisite. The happy preservation of magnanimity,

compassion, and mercy with sternness, resolution, and persistence in the enforcement of retribution is a fact which has won the admiration of observers, the respect of foes, and the pride and love of friends. Yet law, politics, reform, and the prosecution of public offenders have not contained more marked labors and more marked successes for Edward M. Shepard than have oratory and literature. His monographs on many subjects of passing interest and on some of permanent interest are not few. His addresses of occasion have about them the stately simplicity of fundamental truth and the apposite union of philosophic generalization with the captivating charm of special allusion.

Edward M. Shepard has a philosophy of intellect which is not exaggerated when it is compared with that of Jefferson. His is an insight as extensive and prophetic as that of Tilden, without that waverer's liability to deviate from principle to expediency. His is a culture alike as natural and as perfected as that of the Horatio Seymour at whose feet he sat, and his are a versatility, a moral firmness, and a courageous adhesion to truth, with a consequent detestation of demagoguery and indirection, that are not overstated when they are compared with Hewitt's, and that are accounted for when they are compared with Lorenzo B. Shepard's. There is no issue or principle, international in its scope, which has relation to law, to justice, or to literature which he ignores. There is no obligation, National in its sweep, to which he is unfaithful. Yet he does not lose in the largeness of his vision the duty and delight of devotion to the city of his home. The local character of much of his public labor does not disguise the fact that on a metropolitan or a National scale such labor would have a recognition as vivid around the world as it is vital in Brooklyn. The scope, the theatre, the recognition matter not to him. The duty is the one consideration.

Among the very few who can be called statesmen without satire, scholars without sarcasm, patriots without cynicism, and reformers without qualification who have lived in Brooklyn, this man is easily the first. He has before him a career virtually within his own determination. It is certain that he will project it on lines of public service alone and on lines of right and duty in that service alone. Praise is not needed to define or prophecy to limit his development, for he will live, as he has lived, in the love of God, of humanity, of Commonwealth, and of home, in the performance of all professional, personal, political, and public duties without regard to any consequences, whether of peril or of preferment, and with no solicitude for other reward than the reward of conscience and the surety of true interpretation by those who believe and seek with him the things of best import for their country and for their kind."

In personal appearance Mr. Shepard was under, rather than over, medium height; slight of build, with a massive head which at first glance seemed almost too big for the body under it. Despite his 60 years, his gray hair and grizzled mustache, any idea of age was dispelled by his keenness, his nervous force, and the glint of his rather cold, light eyes. From his bulging forehead his face narrowed sharply to a long, forward, thrusting chin. The nose, big and sharp, dominated the other features.