

The Honorable
Evan A. Evans

In Respect to the Memory

of

The Honorable
Evan A. Evans



Proceedings had on the Fourth day of November,
One Thousand Nine Hundred and Forty-eight,
and on the Tenth day of April, One Thousand
Nine Hundred and Fifty-one

Before the

United States Court of Appeals
for the Seventh Circuit



Hon. Evan A. Evans
Painted by Fritz Werner

**Memorial Ceremony for
Judge Evan A. Evans**
**In the United States Court of Appeals,
Seventh Circuit,**
had on Thursday, November 4, 1948,
at 2:00 o'clock p. m.

Present Circuit Judges:

Honorable Will M. Sparks, Chief Judge,
Honorable J. Earl Major,
Honorable Otto Kerner, and
Honorable Sherman Minton.

Mr. Kenneth F. Burgess of Chicago, Illinois
Addressed the Court.

MAY IT PLEASE THE COURT:

At the direction of a Committee of the Bar of this Court, composed of Messrs. Charles LeRoy Brown, James P. Carey, Jr., Tappan Gregory, George I. Haight, Carl Latham, Carl Meyer, Sidney C. Murray, Casper W. Ooms and Max Zabel, I wish to present a Memorial Resolution of The Chicago Bar Association, and move that it be spread upon the records of this Court. The Resolution is as follows:

Memorial Resolution

RESOLVED that The Chicago Bar Association through its Board of Managers express their sorrow at the death of Evan Alfred Evans, late Senior Judge of this United States Court of Appeals for the Seventh Circuit, and take this opportunity to record their recognition of the great talents, vision, and devotion to duty which marked his, the longest term of service on the Court.

Evan A. Evans was born on a farm at Spring Green, Wisconsin, on March 19, 1876, the son of Evan W. and Mary Ellen (Jones) Evans. Throughout his life he was distinguished by the vigor with which this Welsh parentage and his early life in the Wisconsin hills endowed him.

His heritage was typically American. His father had been an immigrant from Wales, a soldier in the Union army, a member of his state legislature. The deep love of country and sense of public duty nourished father and son alike.

His schooling was that of the community, first in the public schools of Spring Green, then in the State University at Madison, which young Evans entered in 1893, and from which he received the degree of the College of Liberal Arts in 1897 and that of the Law School in 1899.

At school his interests were those which engaged him throughout his life, the history of his country, the

problems of economics and society, human relations, and the art of advocacy. At debate he demonstrated both the mastery of his subject and the skills of effective presentation and persuasion.

His schooling completed, he was employed in a law office at Omaha, Nebraska, from which he removed to the law office at Baraboo, Wisconsin, where he practiced continuously until called to the bench.

His professional life was successful. The firm he formed within a year after he entered the practice at Baraboo was the only firm in which he ever practiced. The same capacity for loyal cooperation with his professional associates brought to him a clientele of diverse interests whom he served both as lawyer and counsellor. The range of professional employment and the variety of the tasks entrusted to him engaged his versatility. His early interest in debate was reflected in his skill with jury and appellate court. His reputation was extensive, and it was good.

When President Wilson sought a judge for the United States Circuit Court of Appeals for the Seventh Circuit from the State of Wisconsin in 1915, he was pressed with the claims of several candidates. Evan A. Evans was not among them. President Wilson, following his practice of making a thorough search for the best qualified man whom he could induce to accept judicial appointment, sent an investigator on this quest into the State of Wisconsin. Inquiries were made throughout the State, suggestions solicited from the profession, the judges, and all who could assist in the selection. This inquiry brought so forcibly to the attention of the President the name of Evan A. Evans

that the appointment was offered to him and he accepted. He was sworn into the office of United States Circuit Judge on May 10, 1916.

Judge Evans, in thirty-two years of service on the Circuit Court of Appeals, fulfilled the extravagant promise of his earlier years. His industry was prodigious. His understanding was quick and complete. His skill in forensics sharpened many issues that were argued before the Court. He was impatient with injustice and lesser wrongs. Withal he was modest of his own opinions.

Judge Evans brought to his task upon the Court the mature judgment of his wide professional experience, the extensive learning which had ornamented his every effort, an acquaintance with business practices and accounting methods, and a working familiarity with the materials of science. He was thus peculiarly equipped for service in the Federal judiciary.

The hundreds of opinions which Judge Evans wrote are engrossed elsewhere. They span more than half of the life of the Court upon which he sat. They speak in felicitous phrase of the labor and understanding of their author, of his courage, of his sense of justice. His dissenting opinions, probably more numerous than those of any judge who ever sat upon the same Court, tell of his forthrightness, his sense of a duty to speak when silence would have been easier, and when to speak was to contradict his colleagues. To Judge Evans the judicial function was a responsible public duty which no man could shirk.

Judge Evans served not merely as a judge. He was energetic in the infrequent efforts at reform of legal

institutions which constantly challenged the profession. He gave liberally of his time in speaking and writing on public issues. He advanced no cure-alls, but sought rather to arouse interest, provoke debate, and induce intelligent consideration and action.

Those who knew Judge Evans met more than the scholarly, competent, alert judge. They knew a man who enjoyed human relationships, who had a tender sympathy for his fellow man, a quick sense of humor, a versatility of interests that made him an engaging conversationalist in almost any field, a love of the outdoors and active sports, and an enthusiasm for living. He read widely, mostly in history, biography, and the social sciences. He was curious of all things, interested in everybody, and intent upon assuring the blessings of the democratic way of life.

Out of court Judge Evans sought the simple living on the farm and in the home where he was born. There he enjoyed his family and saw grow to manhood the three sons who survive him. There on July 7, 1948, his life ended.

BE IT FURTHER RESOLVED, That a copy of this Resolution be presented to the United States Court of Appeals for the Seventh Circuit, with the request that it be appropriately spread upon the Court's Records, and that the President of this Association provide the family of Judge Evans with a copy thereof.

May I add a personal word? It was my privilege to meet Judge Evans first as long ago as 1913. We were both young lawyers practicing in small county

seat towns in neighboring counties in Wisconsin. Over the years that acquaintance grew into friendship, strengthened by the respect that we on our side of the bar feel toward you, who in high judicial position under our Federal system are discharging your obligations with intelligent impartiality. Judge Evans did just that. Now, at the end of a long career, he has left with those of us who knew him the memory of a judge who thoroughly enjoyed his work, who did it well with vigor and enthusiasm, who never shrank from the performance of any duty, and who always kept the faith.

On this occasion the bar of this Court has asked two of its distinguished members, lifelong friends of Judge Evans—Mr. Louis Quarles of Milwaukee, Wisconsin, and Mr. George I. Haight of Chicago, Illinois—to address you.



Address by
Louis Quarles, of Milwaukee, Wisconsin

As representing the Bar of the State of Wisconsin, I beg leave to present this Memorial to the late Judge Evan A. Evans.

Evan A. Evans was born March 19, 1876, near Spring Green, Wisconsin, and he died there on July 7, 1948. He was one of a family of seven children, three sons and four daughters. His parents were Welsh, his father was a farmer, and his earliest experiences were those of a farm boy. After completing grade school and high school at Spring Green, he attended the University of Wisconsin in 1893. In 1897 he graduated in liberal arts, and in 1899 from the law school. He was an outstanding debater and always maintained that his training in this respect aided him in conciseness of thinking, felicity of expression and ability to think on his feet. He was fond of oratory in the proper sense of the word, and was much in demand for addresses on patriotic and similar occasions. His first wife was Mary Rountree by whom he had three sons, all of whom are living. Evan is a professor at the University of Idaho, Orrin is a member of the faculty at the University of Southern California at Los Angeles, and George is a practicing attorney with the Chain Belt Company at Milwaukee, Wisconsin. His first wife died September 12, 1921. In June of 1926 he married Mrs. Ferne Ryan Allen, who died April 5, 1940. Both of his wives attended the Univer-

sity of Wisconsin during the time of Judge Evans' residence there.

He started to practice law in Omaha, Nebraska, but illness forced him to abandon his original plans after only a few months in that city. He returned to Wisconsin and decided to open his own office at Baraboo, Wisconsin, the county seat of his home county. Shortly afterwards he formed a partnership with Herman Grotphorst and Herbert H. Thomas under the name of Grotphorst, Evans & Thomas, which continued until his elevation to the bench. He had an active general practice, such as is common to country lawyers and anyone that underestimates the diligence, ability and character of country lawyers is due for a great awakening. He not only had office practice, but was early recognized for his forensic ability and was in wide demand as a trial lawyer. The extent and character of his court practice is indicated by the circumstance that over a sixteen year period of practice at the bar he submitted ninety-six cases to the Supreme Court of Wisconsin, his home State.

He was a lifetime Democrat. He unsuccessfully ran for Attorney General on the Democratic ticket, and served as a delegate to the national Democratic convention in 1912 when Woodrow Wilson was nominated for President. He took a keen interest in party affairs but was not extremely active.

Early in 1916 Judge William H. Seaman, a judge of this Court, died, and as much to Evans' surprise as to anyone else's he was appointed May 17, 1916 by President Wilson. While, as has been stated, his activities in the Democratic party were relatively minor,

his appointment was by no means a political one. He accepted the appointment and was a member of this Court until his death, having served as the Senior Presiding Judge since 1934.

He was a prolific worker, a great student and a keen analyst. During his thirty-two years of service he sat in from four to five thousand appeals and wrote over a thousand opinions. His incumbency on the bench extended through colorful times, during part of the First World War, including the aftermath thereof, and throughout the Second World War. This was a time of great change in our Federal jurisprudence. It was marked by an enormous extension of Federal powers, the establishment and expansion of bureaus of various kinds and descriptions, and by a great turnover in the number of Federal judges, including the membership of the Supreme Court. Many of the problems that came to the bench were of a constitutional nature and dealt with the right of Congress to pass various statutes and the President to make orders and directives under the war powers and because of the press of economic conditions resulting therefrom. Verily, they were "times that tried men's souls" and throughout these times Judge Evans met all questions with a keen intellect and rendered decisions without fear or favor. It might well be said to have been his motto: "Hew to the line. Let the chips fall where they may!"

The character of the man was essentially that of a student—learned but not bookish. He loved reading for its own sake and realized well the statement of Bacon that, "Reading maketh a full man." He had a very human side. He loved people. He had the ability

to contribute more to the welfare of others than he accepted from them, which is the mark of every truly great and successful man. He had varied and extensive interests, not only in the humanities, but in the arts and in science. His labors were not limited to those of a judge. As a good citizen he took part in various civic activities, particularly those of his native state. He gave a great deal of his time and attention as a trustee of the Wisconsin Alumni Research Foundation, a non-profit organization for the encouragement of research for the benefit of his alma mater, the University of Wisconsin. He was for many years a trustee thereof and extremely active in and about its affairs. Its great growth and the commanding position it now occupies are due in no small part to his advice and counsel. He also served as president of the General Alumni Association of the University and a member of its Board of Visitors.

He was keenly interested in farming, both from a scientific and from a practical standpoint. To his brother's lot fell the responsibility of operating the farms at Spring Green, which were left from his father's estate, but it was his privilege and joy to counsel with his brother on planning farm operations. Farming is a business, and Judge Evans had a knack for business because he had ideas that were imaginative and yet were tempered with practical understanding. Throughout his life his close contacts with farming gave him an understanding of economic problems which helped him to decide cases involving a variety of business transactions.

He did not make the mistake made by many judges of living like a hermit. His was no ivory tower exist-

ence. He retained to the last the common touch. He was one of the few that could mingle with the Bar, make many and close friends, and yet play no favorites and retain the respect and love of all. His extensive experience at the bar before his appointment to the bench, both as a counselor and in the trial of causes, his constant meeting with people of all walks of life, and, being in a small office, the necessity of solving his own problems, gave him a mental outlook and equipment and a firmness of mental touch which stood him in good stead throughout his judicial career.

At the time of his appointment, like many another Federal judge, he knew practically nothing about patent work. As his experience developed, he became more and more versed in it and more and more intrigued by it, and was for many years recognized throughout the country as an outstanding patent judge. His reading and experience led him to excel in many widely remote fields, including criminal law, bankruptcy, constitutional law, patent law, etc. His capacity to grasp innumerable details, to sift them for the important points, and then correlate them into a complete whole, was exemplified by the opinions he wrote in connection with the reorganization of two great railroads, the Milwaukee and the North Western. It has been said that to make a good criminal lawyer, one must have a good barroom education. Judge Evans did not have that, but he did have the knowledge of human nature and the ability to get the point of view of the man in the street that stood him in good stead, not only in criminal cases but in all cases in which the credibility of witnesses was involved. His mind kept growing and expanding until the last. He

was several times mentioned as a candidate for the Supreme Bench. In November, 1939 a petition was circulated, without his knowledge or consent, requesting his appointment to that Bench, and signed by over seventeen hundred of the leading members of the Bar of Illinois, Indiana and Wisconsin.

His appearance was impressive. He was a square-shouldered, well-set man with a large, firm head, and friendly but piercing eyes. He had a hearty laugh and an abiding sense of humor. Above all, he was intellectually honest, and an indefatigable worker. He was never satisfied with half measures. It could well be said of him that he put in practice that ancient axiom: "*Melius petere fontes quam rivulos sectari.* It is better to seek the fountain than merely to drink of the rivers."

The amount of research in which he engaged in deciding a case was equalled only by the vast amount of his outside reading and writing. He wrote fluently and well and carefully and published many articles and essays. He was a forceful orator. He loved to appear before meetings of lawyers and bar associations and address them. He always had a message and was always welcome. I know of no man that had a wider acquaintance or more friends in the profession than Judge Evans.

His very human qualities and his wealth of interests found expression in the humbleness which characterized the man. He was willing to listen to advice or argument from anyone, regardless of his rank or experience. Although it was easy for him to get the point even in complicated matters, he never made snap

judgments. He believed in the rule of "*Audi alterem partem*—hear the other side," and was a great exponent of equality before the law, both in his judicial and in his everyday contacts.

Throughout thirty-two years of changing forms of and experiments in government, he never lost track of the principles laid down by our founding fathers, as was so ideally expressed in the bill of rights in the Constitution of the State wherein he was born:

“The blessings of a free government, can only be maintained by a firm adherence to justice, moderation, temperance, frugality and virtue, and by frequent recurrence to fundamental principles.”

In the life that he has led and the example that he has set for all of us, he has indeed “builded him a monument more enduring than bronze.” No man will be missed from this bench or mourned more widely than he. His passing has deprived all of us of a mentor, guiding spirit, philosopher and friend. He may be dead, but his spirit lingers on. Those of us that believe in Christianity—and I hope that all of us do—look forward to the time when we shall meet again, and we can join in the thought that has been so well expressed by the poet and is so fitting here:

“The stars shall fade away, the sun himself
Grow dim with age, and nature sink in years,
But thou shalt flourish in immortal youth,
Unhurt amidst the war of elements,
The wrecks of matter, and the crush of worlds.”

In this spirit, and in this belief, I bid my old friend a long, but not a final, farewell.



Address by
George J. Haight, of Chicago, Illinois

Judge Evans sat upon this Bench from 1916 to 1948—a period of 32 years. Few Federal Judges have served longer. He came here after 17 years of active practice at the Bar.

From his earliest years, and throughout his life, he obeyed the precept of Polonius—"See thou character." That is the sum of mental and moral qualities—the principles that inhere in, and distinguish, a man. His qualities came to him naturally. His high-minded parents were of excellent Welsh stock. His Mother was born in Pennsylvania; his Father in a stone farmhouse in Southern Wales. Judge Evans once visited there. To him it was a family shrine. He was justly proud of his ancestry. At times he would say: "I am the son of an immigrant." He thrilled to the music of that old battle song—"Men of Harlech."

He was brought up on a farm at Spring Green, Wisconsin. It is not important whether one be born and reared in a city, in a village, or upon a farm. It is important to have the opportunity and the will to develop powers of observation, and the advantage of good companions. In these respects, Judge Evans was fortunate. The farm, the adjacent village, and the country round about provided much of value for him because he possessed eyes that see and ears that hear. The prairie with its fertile farms, the forested hills, and the near-by Wisconsin River gave much of beauty

and of interest. There was value in the toil of growing and harvesting crops, and in caring for the many farm animals. It was good training to work in fields and barns, and to meet the manifold farm duties that brooked no delay. He learned to meet the responsibilities of the farm boy, which often required the doing of much with little, and the using, with ingenuity and to the full, whatever might be at hand.

He was one of seven brothers and sisters—all, like himself, high-minded and able.

In the District School and in High School, he had the advantage of the companionship of well-reared boys and girls who also learned from experience that the edict—"In the sweat of thy face shalt thou eat bread," is a blessing and not a curse.

At the University of Wisconsin, where he entered in 1893, he was soon recognized as a student of real promise. This was grounded—not only on his mental abilities, as shown in his curricular activities, but also upon his moral and personal qualities. He was then, as always, a good companion—intelligent, enquiring, and blessed with a sense of humor. He possessed that innate simple courtesy that has kinship with good morals.

He graduated from the College of Liberal Arts in 1897. He then entered the Law School. The dean at that time was General E. E. Bryant of Civil War fame. Its faculty included a number of outstanding practicing lawyers and judges—Judge J. B. Cassoday of the Supreme Court of Wisconsin, C. N. Gregory, J. H. Carpenter, John M. Olin, R. M. Bashford and Burr W. Jones. They were great teachers. Often they illumi-

nated and made their subjects remembered by accounts of actual experiences at the Bar.

Throughout his time at the University, Judge Evans was known as one of the best of debaters. In later years, he often referred to the great educational values gained in the Debating Societies of his time.

In 1900 he began practice in Baraboo, Wisconsin, in partnership with H. H. Thomas. The firm later became Grotophorst, Evans and Thomas. Their practice was general and covered many fields. It was of the kind that gives wide experience and develops broad views. He then learned to state a case so clearly and concisely that the statement is itself an argument.

Before coming to this Court, Judge Evans was a well rounded, well educated and experienced lawyer. He was an outstanding advocate in trial courts and in courts of review. He had argued over a hundred cases in the Supreme Court of Wisconsin. He was well and widely known as a counsel with good judgment. He was well prepared to serve upon this Bench. He lacked judicial experience. The need of this he well understood. He was apt in gaining it.

He possessed high intellectual and moral qualities. A line between these is hard to draw, if it can really be properly drawn at all. In Judge Evans these qualities were closely integrated. All of us often observe how completely they are interwoven in children. This child-like simplicity of union of the moral and the intellectual Judge Evans kept throughout his career. When this union is outstanding in a man, it often quite baffles those of mental astuteness who do not possess it.

In the true sense, Judge Evans was well educated. By education generally, intellectual training is chiefly

meant. But in no man can this be truly exalted above moral qualities.

Judge Evans' education, of course, continued while at the Bar and while serving here. It came from innumerable sources—some of which are known and some of which probably no one discovered. He was a diligent reader—not only in the fields of law, but in many others as well. Some read books seemingly with no purpose except to come to their end. Judge Evans was not of these. He knew that however well done, reading and study alone do not develop the power of thought. His was the ability to read with an open mind. Though greatly interested, he could study with disinterestedness of judgment until the subject was fairly encompassed. From his youth he was a student of history. He did not hold with those who, because possessed of a catalogue of events, think themselves learned. He early acquired a full awareness that the real historian in any field must know underlying causes, reasons, relationships and tendencies, and that he must endeavor to match the whats with the whys. With him, reading did not mean borrowing. He was one of such as Colton had in mind when he said: "Some read to think—these are rare." Fortunate is the man possessed of learning but without its slavery.

He was modest, simple and direct in his thinking. He knew the truth of the trite saying that "a little knowledge is a dangerous thing." He also knew the exception that occurs when its possessor really knows that his knowledge is little. It came within his observation that books may be used to dull and not to promote thought. When so used they bring to the reader or student only "learned folly." He usually

read good books—those written by observers and thinkers. He delighted to be an heir of the past, and, through books, to converse with the wise practical men who have gone before—such as the well rounded Benjamin Franklin.

He liked the companionship of people of real education and understanding; however, he well appreciated that many of seemingly most humble attainments have much to give. Minds do not differ to the great extent that some of the philosophers seem to believe.

Judge Evans had a robust intellectual power. This is not found merely in the accumulation of knowledge. It is the acquirement of the ability to use and the using of a real force of thought in respect to any subject upon which one is called to pass judgment. This requires diligent application, endurance, accurate understanding, the ability to find likes and differences, and to see in particular facts their relation to general principles. This is the main reason why he never favored a Special Patent Court. He knew the proved capacities of our Federal Judiciary and thought that their constant exercise and experience in wider fields relating to the manifold activities of American life must result in determinations superior to those of specialists.

A judge must be a good workman in matters of detail. The great judge must be this and more. He must dwell on heights where his views encompass more than a single valley or cove. He must be the all round legal scientist.

The work of this Court and of Federal Courts generally covers many fields. Most of the determinations made here are final, since few of them are taken for

review by the Supreme Court. A quick but thorough understanding of vastly numerous and varied facts is required. Because of this, even more than in Chief Justice Marshall's time, the Courts and the Bar keep in mind the admonition given by the Chief Justice in *Cohen v. Virginia*:

“It is a maxim not to be disregarded, that general expressions in every opinion are to be taken in connection with the case in which those expressions are used.”

In Judge Evans' character there were no fears. He was not appalled by his judicial duties. He possessed, in a high degree, intellectual and moral courage and honesty. His mind was richly stored. His scholarship was wide and useful. It was applied practically. His natural gifts were not overwhelmed by undigested, unconsidered learning. He believed that “learning should be made subservient to action.” He possessed a sound patience and tolerance both as an enquirer and a listener. He had a natural sense of justice. He was diligent. He had the ability to winnow the important from the unimportant. He was fully endowed with the simple virtues. Because of these elements in him, he had the power to think, to analyze, to reason and to judge.

He was a great American. He believed in our democracy. He understood well that it grows upward from the many and not downward from the few. He knew that the measure of a civilization anywhere is in the progress of its people. He carried the thought that Mr. Justice Brandeis crystalized when he said:

“The secret of Happiness is Liberty; and the secret of Liberty is Courage.”

How much better we understand ourselves by utterance! By it we often discover our errors in thinking. Judge Evans had a real power of expression. Clarity of statement is always a desideratum. Literary charm is generally difficult to attain, and helpful rhetorical flights rare, in dealing with the often prosaic facts and legal principles considered in court opinions. Before coming to this Court, and over the years, he delivered many patriotic, political and historical addresses. In these he exhibited an admirable power and felicity in the use of language. During the period of his service in this Court, he sometimes made addresses upon legal and historical subjects. He then phrased his thoughts without the restraints upon the play of imagination which are imposed in the writing of court opinions. Then he best justified, by example, Bacon's saying that "studies serve for delight, for ornament and for ability."

When he knew that his call would come soon, he planned to dwell for the time remaining in the farmhouse of his birth. There he planned to write upon a subject of real interest. But the sands ran fast. It was not to be.

His good work here is done. Of it, and of him, may we not, with modesty, say, in the words of the New England philosopher:

"Nothing is more simple than greatness—indeed, to be simple is to be great."

Judge Sparks responded and ordered that the Memorial Resolution be accepted and spread upon the permanent records of the Court.



Response by Judge Will M. Sparks

Members of the Bar:

On behalf of this court and each of its members may I express to you their sincere appreciation and thanks for this resolution and your accompanying comments, relative to the life and services of our esteemed Presiding Judge, Evan A. Evans.

He was a member of this court for a longer period of time than any one who ever held such membership. That he was faithful to such trust cannot well be denied.

That he was able, diligent and fearless must be conceded by all. He loved his work, and to him the greatest exhilaration and happiness came from correctly solving a difficult problem, or finishing, to his satisfaction, an intricate piece of work. That at times he was in error is but to repeat what his and our mortality demonstrates, that all human beings have human natures, not divine.

He loved children passionately, and as a concomitant thereto he loved simplicity, honesty and integrity. While his intensity at times might have the appearance of harshness, yet in my experience with him as a co-worker for almost nineteen years, I have known no man who was more sympathetic or more effective than he in lending a helping hand in times of real trouble. He fully realized that to command respect of litigants or lawyers the court first must be respectable.

Judge Evans suffered great physical pain during the years I knew him, and it was intensified as the years passed, yet he never seemed to expect his friends to help him bear it, which, if possible, they would have gladly done. That was no part of his philosophy of life and eternity. From my visits and conversations with him he clearly had a faith that enabled him to bear heavy burdens. It is best expressed in Tennyson's "Crossing The Bar," which I know he loved.

"Sunset and evening star,
And one clear call for me!
And may there be no moaning of the bar
When I put out to sea,

But such a tide as moving seems asleep,
Too full for sound and foam
When that which drew from out the boundless deep
Turns again home.

Twilight and evening bell,
And after that the dark!
And may there be no sadness of farewell,
When I embark;

For though from out our bourne of Time and Place
The flood may bear me far,
I hope to meet my pilot face to face
When I have crossed the bar."

It is ordered by this court that the resolution here presented be received and spread upon the records of this court; and that as a further mark of respect to the memory of the deceased this court now stands adjourned until 9:30 tomorrow morning.



Presentation of Portrait
To The
United States Court of Appeals
Seventh Circuit
on Tuesday, April 10, 1951

Present Circuit Judges:

Honorable J. Earl Major, Chief Judge,
Honorable Otto Kerner,
Honorable F. Ryan Duffy,
Honorable Philip J. Finnegan,
Honorable Walter C. Lindley, and
Honorable H. Nathan Swaim.

Mr. Kenneth F. Burgess, of Chicago, Illinois
Addressed the Court on Behalf of
The Bar Association of the United States
Court of Appeals, Seventh Circuit.

The memorial ceremony for Judge Evan A. Evans was held in this Court on November 4, 1948, two and a half years ago. Today, we of the Bar desire to present to the Court the portrait which has since been painted by Fritz Werner, the artist who also painted the portrait of Judge Sparks which has just been presented. It is indeed fitting that the same artist should have depicted both of these judges who for so long were colleagues and companions on this Bench. The re-

marks which Judge Sparks made at the funeral services for Judge Evans at Spring Green were a sincere and moving tribute of high regard and deep affection.

It is now almost three years since Judge Evans' life ended. With the lapse of time, the facets of his life and character as he sat upon this Bench are even clearer than they were then. He presided as Chief Judge of this Court for twelve years, which is a long time for one to occupy a position of such dignity and responsibility. For thirty-two years he was a judge of this tribunal, and throughout that period the discharge of judicial duty was the primary undertaking of his life.

His judicial career coincided with a succession of national crises—the two World Wars, the great depression, and recurrent efforts at reconstruction. These brought to the Court for decision new controversies, which fascinated him with their novelty and far-reaching importance. Fortunately, he was sufficiently resilient in mind and spirit to analyze each situation, as it was presented, in a common-sense sort of way, and to apply established principles to the solution. Without doubt, his capacity in these difficult times helped to preserve and add to the confidence of the public in this Court and to the high regard in which it has continued to be held throughout its history.

In retrospect we see Judge Evans as a rugged and durable man, the product of the school of hard knocks and day-by-day living, a lawyer who had made an early and distinguished success while practicing in a small county-seat town in his native State of Wisconsin. We see him as he sat upon this Bench, searching always

for the controlling facts to which he might apply the principles of law and equity so as to produce what seemed to him to be a just decision.

He was no doctrinaire. Life, law, business, government, were to his mind intensely practical in their operations and in the problems that they presented to him as a judge. He sought the answers with a fine sense of impartiality and intelligent understanding. The impress which he has left is wholly good. He was an outstanding American who always kept the faith—and it is most fitting that this fine portrait of him should have a place of honor in the home of this great Court, which for so many years was his home, as well.

We of the Bar now present a portrait of Judge Evans to this Court. It is the work of one of our country's best portrait painters, Fritz Werner, of Woodstock, N. Y. It is thought that Mr. Werner has succeeded in depicting on this canvas an excellent likeness, revealing the kindliness and strengths displayed by Judge Evans in his lifetime.

Chief Judge Major, on behalf of this Court, accepted the portrait, and stated that it would be hung at an appropriate place in the Court of Appeals Building.