

Order

*Handwritten signature*

2268  
23 1114

# Memorial

**William Allen Woods**



*W. W. Woods*

U.S. Circuit court of appeals (7th circuit)

Proceedings in the United States Cir  
cuit Court of Appeals for the Seventh  
Circuit, at Chicago, October First, 1901  
Nineteen Hundred and One  
Memorial Resolutions presented on a  
behalf of the Chicago Bar Association  
and The Patent Law Association of  
Chicago, The Wisconsin State Bar  
Association and the Indianapolis Bar  
Association, out of respect to the  
Memory of

**William Allen Woods,**

Tuesday, October First, Nineteen Hun  
dred and One.

5  
45  
997.7  
WOO/μ

## CONTENTS

|   |    |
|---|----|
| ADDRESS OF MR. JOHN J. HERRICK - - - - -            | 6  |
| RESOLUTIONS OF THE CHICAGO BAR ASSOCIATION - -      | 6  |
| ADDRESS OF GEN. F. C. WINKLER - - - - -             | 12 |
| RESOLUTIONS OF THE WISCONSIN STATE BAR ASSOCIATION  | 12 |
| ADDRESS—MR. OVID B. JAMESON - - - - -               | 13 |
| RESOLUTIONS OF THE INDIANAPOLIS BAR ASSOCIATION - - | 13 |
| PRESENTATION OF PORTRAIT OF JUDGE WOODS - - -       | 18 |
| ADDRESS OF MR. EDWIN WALKER - - - - -               | 19 |
| RESPONSE OF JUDGE JENKINS ON BEHALF OF THE COURT -  | 21 |

At a regular Term of the United States Circuit Court of Appeals for the Seventh Circuit, begun and held at the United States court room in the City of Chicago, in said seventh circuit, on Tuesday, the first day of October, one thousand nine hundred and one, of the October Term in the year of our Lord one thousand nine hundred and one, and of our Independence the one hundred and twenty-sixth.

**Present:**

Hon. JAMES G. JENKINS, Circuit Judge, presiding;

Hon. PETER S. GROSSCUP, Circuit Judge;

Hon. WILLIAM H. SEAMAN, District Judge.

**There were present also, sitting with the Court:**

Hon. Henry W. Blodgett, United States District Judge for the Northern District of Illinois, retired;

Hon. Christian C. Kohlsaat, United States District Judge for the Northern District of Illinois;

Hon. Abram S. Humphrey, Judge of the Circuit Court, Hawaii.

***Mr. John J. Herrick, on behalf of the Chicago Bar Association and the Patent Law Association, addressed the court as follows:***

**MAY IT PLEASE THE COURT:**

At the joint meeting of the Chicago Bar Association and the Patent Law Association, held July 13, 1901, to take action regarding the death of Judge William A. Woods, the following memorial was adopted:

Judge William A. Woods was born May 16th, 1837, in Marshall County, in the State of Tennessee. At an early age he removed with his mother and stepfather to a farm in the State of Iowa, and from there, when yet a boy, went out into the world to make a career. He began by working in a saw-mill and in the village store. He prepared for college at the Troy Academy, at Troy, Iowa, working out part of his tuition by carrying a hod. Although in positive distress for money, he refused to assent to the sale of a slave in whom he was a part owner, but, on the contrary, directed that the slave be liberated. In 1855 he entered Wabash College, maintaining himself by his own labors. He graduated from this institution in 1859, having then determined to enter upon the study of the law. He was admitted to the bar in 1861 and entered on the practice of the law at Goshen, Indiana. His success in his chosen profession is best evidenced by the marks of confidence bestowed upon him by his fellow citizens.

In 1867 he was elected to the legislature of the State of Indiana, where he served with credit to himself and satisfaction to his constituency until the end of his term. In 1873, when thirty-five years of age, he was elected Circuit Judge of the 34th Circuit in Indiana, and at the expiration of his term was re-elected without opposition. He held the office of Circuit Judge until he was elected a judge of the Supreme Court of Indiana in 1880, and remained an incumbent of that high office until he was appointed District Judge of the United States for the District

of Indiana. In 1892 he was appointed by President Harrison to the office of Circuit Judge of the United States, which he filled with such distinction at the time of his death.

The best testimonial to his judicial character and ability is furnished by the fact that he was continuously retained in judicial position, both by the expression of the popular will and by executive selection, from the time of his first judicial service until his death, his last advancement being received at the hands of that distinguished lawyer and statesman, the late ex-President Benjamin Harrison.

Judge Woods was a man of great natural force and energy, possessed of a mind capable of great application and endurance, quick in perception and strong in analysis and reasoning powers. His physical frame and presence corresponded with his mental characteristics, and furnished the great vital powers which sustained him in his unwearying industry, and gave him an imposing and impressive personality.

His judicial career as Judge of both trial and reviewing courts under both the Federal and State jurisdictions gave him a wide experience which, aided by his great industry, made him a man of great learning, especially grounded in the general principles of the common law, which influenced and guided his mind in the discharge of his judicial duties more than precedents. Among his decisions and opinions are several in which he applied the general principles and philosophy of the common law to facts and situations unprecedented at the time when rendered by him. Some of these decisions when rendered called forth not only adverse criticism, but denunciation. Their force, lucidity and learning, however, had to be and were recognized even by his adversaries, and his conclusions have been justified by subsequent judicial decision and have become a part of the recognized law of the land. He possessed a genius for perceiving the ultimate facts and controlling principles in a cause, and, by his incisive, though courteous questioning of contending counsel before the bar, focused their minds, as well as the court's, on these.

His official bearing was judicial, his manner courteous and considerate. As a man and a judge, he was always indi-

vidual. His strong personality and force of character compelled him to think, feel and act strongly.

He was a man of strong principles, and, therefore, of strong convictions. When he had formed a conviction, he held to it with firmness but without bigotry. His convictions were not prejudices, but based upon what he deemed adequate reasons and evidence. He examined the cases before him with care and industry, always desired argument and sought its aid, and the facts and controlling principles of a cause as he saw them determined his judgment. He was never a partisan of litigants or persons, but was firm in his support of principles and of his convictions regarding the justness of a cause. With him the principles and rules of practice of the law were but means toward the end of attaining justice. This end he always sought with fidelity and industry, and sustained in opinions characterized by clearness of statement and great force of reasoning.

As a Judge of the Circuit Court of Appeals of the 7th Judicial Circuit, his ability, learning and judicial character quickly gained the recognition of the bar not only of this circuit, but of the Nation, and he won and held its confidence and esteem.

His judicial record and opinions will constitute his most enduring and honorable memorial.

In his personal relations with men he was a firm and steadfast friend and genial and delightful companion.

*Resolved*, therefore, that in the death of Judge William A. Woods the Federal bench has lost a most upright, industrious and able member, and the bar and the public the services of an honorable, fearless and faithful Judge, who, during a long and varied judicial career, devoted his great ability and force of mind and character to the service of justice; that we sincerely mourn his untimely and sudden death; and that we tender to the family of the deceased our heartfelt sympathy in their bereavement;

*Resolved*, that a copy of this memorial be presented to the United States Circuit Court of Appeals for the Seventh Judicial Circuit, and to the District and Circuit Courts of the United States for the Northern District of Illinois, and that



an engrossed copy of this memorial be transmitted to the family of the deceased.

A striking fact in Judge Woods' life is that of the long period and varied character of his judicial service.

His active life as a Judge covered a period of twenty-eight years, during which he served the public in the different capacities of State trial judge, judge of the State Court of last resort, District and Circuit Judge of the United States Court and Presiding Justice of the United States Court of Appeals, discharging with great industry and recognized fidelity the varied duties of judge of these different courts, with their different jurisdictions and powers.

These twenty-eight years of continuous and active service as a judge, with such varied opportunities, meant to a man of Judge Woods' natural intellect and energy, and his habits of industry, and fidelity to duty, a continuous growth and development, and made him what he was at the time of his death, a great judge.

Judge Woods had a large knowledge of the law, acquired by study and experience through his long judicial service. His mind intuitively sought the pivotal points of every case which came before him. He was never confused or misled by details or extraneous matters. He always sought what he thought to be the justice of a cause, and knew neither friend nor enemy in its consideration. His natural love of justice had been developed by his long study and wide knowledge of the principles of the common law and his long judicial experience. While he respected precedents, he always sought the underlying principle which gave it vitality. He believed with Lord Coke that "Reason is the life of the law," and that the "Common law itself is nothing but reason." In his consideration of a case, he always sought the reasons for the positions advanced, and only gave them weight as they were supported by reason. His

opinions were clear and vigorous presentations of his conclusions and the reasons on which they were based, incisive in style, logical in arrangement and vigorous and forcible in reasoning, and never overburdened with long quotations.

It has been said: "Every man stamps his value on himself." This was pre-eminently true of Judge Woods. His fine head, his thoughtful face, his genial eye, his frank, open bearing, his dignified and commanding presence, his directness, vigor and clearness of speech, all bespoke the man he was.

In the different positions of judge of the State Circuit and Supreme Courts, and United States District Judge, his career had been honorable and distinguished, but it was in the high office of presiding Justice of the Court of Appeals that his pre-eminent abilities as a judge became especially conspicuous.

There is no judicial position which brings a judge more conspicuously and prominently before the bar and the public than that of presiding justice of a court of review which renders irreversible judgments.

His striking presence always made him a central figure of the court. His clear and direct utterance when speaking for the court always commanded attention. In the hearing of the cases that came before the court he presided with dignity, intelligence and firmness.

He recognized the truth that assertion can be answered, but silence cannot, and when an objection to any position taken by counsel arose in his mind, he frankly and clearly stated it and invited an answer.

Ready as he was to state his objections to any position advanced by counsel, and to probe for the truth by intelligent questions, he, at the same time, recognized, by his close and patient attention, the saying of Lord Bacon that "Patience and gravity of bearing is an essential part of justice."

Cut off, as he was, in the prime and vigor of his life and in the full maturity of his powers, Judge Woods left behind him the record of an active, useful, well-spent and fruitful life in all its relations. Twenty-eight years of his active life were spent in serving the public in the conspicuous position of a judge, and the very conspicuousness of his office invited scrutiny, not only of his official action, but of his life and character as a man.

Reading the record of his life, as his own acts have made it, it is the record of an able, strong, incorruptible, faithful, impartial and conscientious judge, a true friend, a devoted husband and father, an honorable citizen and a Christian gentleman.

In his active and vigorous administration of the high office of judge for nearly thirty years, in the judgments he rendered and the judicial opinions he gave during this period, involving as they did the determination of both public and private rights, the property and liberty of citizens and great and far-reaching public questions, he has left his impress on his time.

Nor has the final result of his life work been reached.

He will continue to live in the memory of those who have known and honored him in the varied relations of his active life, and his judicial opinions which have become part of the law of the land will continue to be read and studied and have their influence as an active force as long as the law endures.

I move that the memorial which has been presented be spread on the records of the court.

*General F. C. Winkler, on behalf of the Wisconsin State Bar Association, addressed the court as follows:*

MAY IT PLEASE THE COURT:

On behalf of the Bar of the State of Wisconsin, I desire to say that they sincerely join their brethren of the other states composing this circuit in expressing their appreciation and admiration of the distinguished career and high judicial character of Judge William A. Woods, as well as of his engaging personality.

I must not repeat what has been already said, but will content myself with saying that we give our hearty approval to every word of praise.

I submit a resolution of our State Bar Association, which I respectfully ask to be made a part of these proceedings.

*Resolved*, that the Bar of the State of Wisconsin deeply regrets and deploras the death of the Hon. William A. Woods, senior Circuit Judge of the United States for the Seventh Judicial Circuit Court, which occurred at his home in the City of Indianapolis on the 29th day of June, 1901, in the sixty-fourth year of his age.

His learning, his acumen, his fairness, his justice, his strength and his manliness made Judge Woods one of the foremost and most valued judges of the land. His fine physique justified the hope of many years' continuance of his enlightened and distinguished service on the bench. His early demise was a great public loss, and his personal worth had so endeared him to the profession that its announcement was received with universal sorrow.

*Mr. Ovid B. Jameson, on behalf of the Indianapolis Bar Association, addressed the court as follows:*

MAY IT PLEASE THE COURT:

At Indianapolis, in the United States Circuit Court Room, on the first day of last July, upon the joint call of the State Bar Association of Indiana and the Indianapolis Bar Association, there was held a meeting of the Bench and Bar of Indiana in memory of William Allen Woods. At the meeting a Memorial was adopted, and it was resolved that a copy of the Memorial be presented to this Court, with the request on behalf of the Bench and Bar of Indiana that it be made a matter of record in this Court. I have the honor to be called on to present the Memorial and make the request, and now do so. With the Court's permission I will read the Memorial:

William Allen Woods was born on May 16, 1837, near Farmington, Marshall County, Tennessee. He was the youngest of three children, and the only son; and he was only a month old when his father, who was a Presbyterian preacher, died at the age of twenty-six years. When he was seven years old his mother married John Miller, and the family moved to Iowa and located upon a farm.

He attended school during the winter months until he was nearly fourteen years old. Afterwards he was employed in a mill, and was for awhile a clerk for the village store. He worked out a subscription for the building of an academy at Troy by carrying a hod for the plasterers, and he prepared himself for college while he was an assistant teacher there.

He entered Wabash College at Crawfordsville, Indiana, in 1855, and was graduated from that institution upon the completion of the customary academic course in 1859. After his graduation he was employed for a year as an instructor in Wabash College and was subsequently employed as a teacher in a school at Marion, Indiana. While at Marion the civil war broke out and he offered himself as

a soldier in the Union army, but his offer was rejected on account of a physical disability.

He began the study of law immediately upon his graduation from Wabash College, and on March 16, 1862, he opened an office at Goshen, Indiana, and began the practice of it. In 1866 he was elected to the Indiana legislature and served with distinction as a member of the Judiciary Committee—a number of the bills which were proposed by him being enacted into laws. In 1873 he was elected Judge for the Thirty-Fourth Judicial Circuit of the State, and was again elected in 1878 without opposition. His record as a circuit judge gave him such prominence that in 1880 he was nominated by the Republican party as its candidate for a place upon the Supreme bench. He was elected Judge of the Supreme Court and entered upon the discharge of his duties in January, 1881, and served as a Supreme Judge until May, 1883, when he was appointed by President Arthur United States District Judge for the District of Indiana, and succeeded Judge Gresham, who had become Postmaster-General. He served as District Judge until he was appointed by President Harrison one of the United States Circuit Judges for the Seventh Circuit, and subsequently became and was at the time of his death on June 29, 1901, the presiding judge of the United States Circuit Court of Appeals for that circuit.

He was married on December 6, 1870, to Mata Newton, and she and their two children, Floyd A. and Alice N. Woods, survive him.

In any retrospect of a man's professional life the circumstances under which it was begun and pursued are always worthy of consideration. It is really impossible to separate any part of his life from the rest of it. All of the parts of it are closely inwoven with one another and bear upon its final outcome. The life which has just closed was begun amidst privation and hardship. At an early stage of it the boy learned to work for a living for himself and others. The love of knowledge was born with him, and he worked for an education. He fully appreciated the opportunities that he gained in this way, and he made the most of them. There was also a sense of justice in him from the beginning of his existence which made it impossible for him to embrace

those opportunities at the price of another man's involuntary and unpaid labor. He would not mount from the back of a slave; and thereupon the slave became free by the master's act while the master labored on. It was that love of knowledge that made an accomplished lawyer of him, and it was that sense of justice that made him an upright and honored judge.

He applied himself with great zeal and a resolute will to an equipment of his mind with scholastic and professional knowledge. Whatever he learned he learned it thoroughly. The amount and range of his knowledge were extensive. In the acquisition of it his intellectual faculties were developed and disciplined, and the acquisition of it never ceased. All of his utterances bear the mark of a trained mind. It was a logical and discriminating mind, with a turn for nice and close distinctions which sometimes approach the verge of subtlety. His mind was vigorous as well as acute, and his reasoning always exhibited a strong and firm grasp upon the subject-matter under his consideration. If his premises were admitted it was difficult to resist his conclusions. It was also a quick and eager mind that anticipated and outran the argument of others and mercilessly exposed its weakness or absurdity. He loved intellectual fence and thoroughly enjoyed the heat of controversy as long as controversial strife was kept within the bounds of decency and decorum. He was ordinarily a patient listener during the progress of arguments before him, and tolerant of any superfluous admonition from the bar. If the division of great judges by an English writer into judges for the legal profession and judges for the parties be accepted as an accurate classification of them, he would not be assigned a place among those judges who are simply content with the correct adjustment of a particular dispute and an assignment of their reasons and authority for it; but he would be given a high place among those judges who find in the dispute an opportunity for the most ample and lucid exposition of those principles which are applicable to it, and thereby endeavor to fix and establish the law of the land upon a secure and durable foundation. Judge Woods rendered the bar an undeniable service in that way. His published opinions are models of

orderly and rational exegesis. They are expressed in plain and intelligible language, and they do not leave any room for doubt as to what is meant or was decided by them. All of them evince careful thought and laborious research.

As a *nisi prius* and appellate judge under both our State and Federal systems of jurisprudence it became his duty to pass upon many cases of intricacy and importance. Some of them presented questions for decision which bore directly upon the very foundations of our social and political order. It was absolutely inevitable that the decision of those questions should provoke hostile criticism.

Nevertheless he did not shrink from the full performance of his judicial duty, or the full responsibility for his performance of it. With the approval of his own conscience and judgment he calmly and confidently waited for an expression of the court of last resort upon his judicial acts, and when it came he was not disappointed. And with the same calmness and confidence his friends may wait for the final adjudication of posterity upon his whole life as a judge and as a man.

Your Honors: I deem it not fitting that I make any extended remarks, yet a few words may not be inappropriate, and the respect and admiration I have for the character of Judge Woods will not be entirely denied expression.

There are natures whose atmosphere is that of truth. In their clear light insincerity shrivels; the exaggerations, feverish or fretful, which are too apt to linger in our common speech, melt away. It is in the memory of such a one that we stand, knowing now as ever that only simple truth was welcome to him; that it was that he sought, recognized, welcomed—the sincerity, loyalty to what a man believed—welcomed even in the form of opposition; yes, welcomed as he hated insecurity even masked as acquiescence.

There are some lines that he loved, which speak of one who was born "dowered with the love of love, the hate of hate, the scorn of scorn." I do not at this instant remember who



wrote the lines. I think that by the right which comes to a high nature he knew them to be his; that this was his dower.

Of his pre-eminent qualities in the profession it is not my purpose to speak. The record of his work is an inalienable treasure to those who come after—a glory which will be kept shining with the touch of other great minds.

Certain elements are found in all greatness, but to each who rises far above his fellows there belongs other intensely personal attributes, which are the ones that come quickest to the memory of those who came near. Therefore, looking at the portrait of this great Judge hanging on the wall of this court room it will occur to many to think first of the large heart, the zest for life, the boy's ardor, which characterized him. He went to his work as he went to his play, with exaltation. He went to his death as he went through life, with his head high, his heart undaunted, the brave man, the lover husband, the devoted father, upright Judge and honest gentleman.