

*Mr. Edwin Walker addressed the court as follows:*

I am requested, if your honors please, by members of the Bar of this Circuit, to present to this court a protraiture of its late Presiding Justice. I can add but little, if anything, to the eloquent tributes to his memory by the representatives of the Bar Associations. The Bar of this Circuit especially recognizes his varied learning in his chosen profession, his unfailing courtesy on the bench, his habitual impartiality, and his unfaltering courage in administration.

The circumstances under which we meet to-day should admonish us of the swift passage of time, and that "in the midst of life we are in death." At the close of the last term of this court it was the pleasure of some of us to meet him as Presiding Justice in the full fruition of judicial honors, physical health and mental vigor, and yet, scarcely one brief month had passed, when tender hands had placed upon his grave their loving tributes of sorrow and affection. I am also reminded that, as we turn the leaves of our judicial reports, how often we come to a page upon which is inscribed those sad words, "In Memoriam," of some member of the Judiciary who had been called to a higher and purer life, where there are no differences to adjust, no wrongs to restrain, and no crimes to punish. And soon upon another and later record, and under the same inscription, will be engrossed the name of our departed friend, William A. Woods, whose loss we keenly feel as a personal bereavement.

The life work of Justice Woods is readily traceable in the records of the Supreme Court of the State of Indiana, and of this Federal Circuit, in opinions that bear unmistakable evidence of a wide and varied knowledge of the law, a keen and discriminating interest, and untiring industry. Practically his whole life was devoted to the service of the public. Admitted to the Bar in

1861, within five years the public demanded his services, and from 1873 he had been an honored member of the State and Federal judiciary. The people who knew him best trusted him most, believed in him, and therefore promotion followed promotion, until in 1892 he was appointed to this bench, a court of jurisdiction second only to the Supreme Court of the United States.

Of Judge Woods it may be truthfully said, as was recorded of another great jurist, "his life work was the discharge of the functions of a judge, and all his powers were concentrated to this lofty end."

As a citizen his life and character were no less worthy of admiration; quiet in his habits, kindly sympathetic with all who deserved sympathy, whether of high or low degree, pure and true in his domestic relations, he was all in all a "lovable man of kindest spirit."

To this tribunal the bar of this circuit brings this memorial of their departed friend and brother, believing it will be an inspiration to ourselves, and to all that shall come after us, to cherish and imitate his example; to diligently strive to attain the highest and best standards of our profession; to jealously maintain its time-honored ethics and professional integrity, and at all times, and under all conditions, to stand ready to uphold, and demand, the fearless but impartial administration of the laws of our common country.

I have the honor to request the court to accept this memorial and enter proper order for its preservation.

*Judge Jenkins on behalf of the court responded as follows:*

A just estimate of character requires a knowledge of the environment out of which has come the character to be judged. Some of the details of the early life of Judge Woods are gathered in the memorials presented to the court, and enable one to discover "in what a forge and what a heat were shaped the anchors" of his character. His youth was one long struggle with adverse conditions which in most men would have barred the door to that education without which professional success was not possible. With him the obstacles to be surmounted but added zest to the struggle. Patience in overcoming, determination to succeed, in him seemed native traits of character, not acquired ones. The difficulties confronting his way were but so many obstacles to be anticipated and surmounted, not to be avoided or bemoaned. He overcame, and gained strength through the struggle. Success was assured from the beginning; failure was not possible, because he possessed those qualities of character which no ill-fortune could daunt, which no obstacle could appall, which no disaster could overcome. He marked out his path and pursued it earnestly, patiently, vigorously and with determination. Out of the struggle he attained to high professional position and to the plane of elevated and noble character. He came to the bench of this court a thoroughly equipped lawyer, with a judicial experience of nearly twenty years upon the bench of the federal and state courts within the State of Indiana. He brought to the discharge of his new duties a ripe experience, a trained mind, a thorough knowledge of the law. He brought also a character which was a synonym for honesty, for integrity of purpose, for strict impartiality—a mind clear in perception, logical in rea-

soning, quick to discover the essential point of a cause. He swept away all disturbing collateral considerations which becloud the merits of a controversy. His written opinions are models in conciseness of statement and clearness of reasoning. Possibly at times he was somewhat too insistent upon technical correctness in pleading and practice; but he conceived that looseness therein demoralized the bar and tended to the injury of parties. It may not be amiss here to refer to a subject which occasioned some criticism by some members of the patent bar, which heretofore could not properly be noticed. Judge Woods was the last man to desire indiscriminate eulogy, and we think would approve of what is now to be said. We refer to a supposed prejudice upon his part against the monopoly of patented inventions. He had no such prejudice. No judge was more willing than he to enforce the protection of the law with respect to those things which seemed to him to be meritorious inventions. The line of demarcation between invention and mechanical skill is unfortunately illy defined, and in the nature of things must necessarily be somewhat obscure. Whether a particular patent falls within the one or the other must, therefore, largely rest in the light in which the subject may be regarded by the judge; and it is not surprising that divergent views should prevail. Judge Woods possessed a mechanical cast of mind, acute to discover the merit of an improvement; and so quickly did he perceive its necessity, and the mechanism which wrought it, that it was sometimes difficult for him to conceive that a skilled mechanic confronted with the problem of overcoming a known difficulty would not at once perceive and devise a remedy. It was this peculiar quality of mind that possibly at times led him to erroneous conclusions; and yet, one can with difficulty get away from the force of his reasoning, and the correctness of his conclusions, if his premises be granted. In

the field of novel invention, and not mere improvements upon old devices, no one was more ready than he to recognize merit and to declare the protection of the law. Indiscriminate criticism is, therefore, most unjust, not allowing for the peculiar cast of mind which necessarily qualified his work. It was not prejudice with him. It was inability to perceive invention in that which, as he thought, rested in mechanical skill.

In the consultation room the character of the man was well disclosed. He was careful and thorough in the investigation of facts, deliberate in the investigation of the law. He was slow to come to a conclusion; but when that was reached he was firm, resolute, persistent, at times possibly aggressive. That is to be looked for in a strong mind, anchored to its conclusion. He cheerfully recognized the right of his brethren to differ with him; but he was acute to discover the weak points of argument and took delight in unmasking them; but he was always courteous and considerate to the individual, if merciless to the argument. He possessed a dominant will and an abiding faith in the convictions of his own judgment—not shaken even by the adverse ruling of an appellate court. So, if he was not always right, he was always strong, self-centered, self-contained. He delighted to live in the light of pure logic, and no ulterior consideration could swerve him from the right as reason disclosed it to him.

As a man he was dignified in manner, courteous, kindly, sympathetic, loyal and true as the needle to the pole; a devoted lover of his country and its institutions.

He was a tower of strength in the court where he presided. His death entails a loss to court and bar that cannot well be measured. As is well said in the memorial presented, his judicial record and opinions constitute his enduring and honorable monument.

It is fitting that the profession which knew him best and best

knew his work and worth, to use the beautiful words of Judge Drummond upon a like occasion, should "crown the veteran Judge, when the seal of death was put to his record, with the chaplet of their praise."

The memorials of the several bars of the Seventh Circuit, with the proceedings thereon, will be ordered spread upon the records of the court. The portrait presented by members of the Chicago bar is accepted and the thanks of the court are tendered for this proper expression of regard. It will be placed upon the walls of the court room, there to remain in memoriam of a strong, able, upright judge.

*Dr. J. H. H.*  
*11/2/17*