

APPENDIX.

I.

AMENDMENT TO RULES

IN THE SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1887.

ORDERED, That the first subdivision of Rule 20 be amended so as to read as follows :

RULE 20 — PRINTED ARGUMENTS.

1. In all cases brought here on writ of error, appeal, or otherwise, the court will receive printed arguments without regard to the number of the case on the docket, if the counsel on both sides shall choose to submit the same within the first ninety days of the term ; and, in addition, appeals from the Court of Claims may be submitted by both parties within thirty days after they are docketed, but not after the first day of April ; but twenty-five copies of the arguments, signed by attorneys or counsellors of this court, must be first filed.

Promulgated October 31, 1887.

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II.

In Memoriam.

WILLIAM BURNHAM WOODS, LL.D.

DIED MAY 14, 1887.

SUPREME COURT OF THE UNITED STATES.

MONDAY, November 7, 1887.

MR. ATTORNEY GENERAL addressed the court as follows :

MAY IT PLEASE THE COURT : I have been requested by the bar and officers of this court to present resolutions recently adopted by them, expressive of their estimate of the life, character, and services of the late MR. JUSTICE WOODS and their sorrow at his death, for such action as the court may see fit to take as to them.

In performing this duty, I wish to add a few words, — and they need be but few, for the resolutions themselves speak so distinctly and in terms so strong of the true character of our departed friend, there is little room for anything more to be said.

I knew Judge Woods well and somewhat intimately, from the time he came upon this bench, fresh and vigorous from a field of vast labor and responsibility, second only to the one he entered upon here.

His work on the circuit had been onerous and exacting, indeed often perplexing and harassing ; for during much of that time “ even peace was full of horrors.”

He came here from that labor well prepared and ready for the great task that lay before him.

Manfully and conscientiously did he address himself to it, and I now say what I have often said before of him — never did I see one

grow and develop in the reports of this court more rapidly and more decidedly than he; and his portion of the work, from the time he took his seat, January, 1881, was a full share with the other members of the court.

Coming to this court at an age young enough to add to his already extensive knowledge, he did not fail to do so, with all the aid that energy, industry, and painstaking research could bring him.

He wrote and delivered for the time he was here—a period of not quite five years and a half—one hundred and sixty-three opinions.

Mr. Justice Curtis—and the country knows well his wonderful ability as a lawyer—for about the same length of time wrote and delivered fifty-one opinions.

The reference is not made for comparison or contrast of the merits of the two judges, but to show that, as great and demanding as the work here has grown since the time of Mr. Justice Curtis, Mr. Justice Woods was equal to the calls upon him.

I wish to speak of another characteristic of Mr. Justice Woods as a judge.

He was one of the *best listeners* I ever saw in any court; he seemed never to tire or grow weary in the progress of a case, and appeared to hear every word uttered, and to observe everything done.

He illustrated very fully what Pliny, speaking of himself in his letter to Arrianus, said: “For my own part, whenever I have to hear a case, I give the greatest amount of time which any counsel asks. . . . The very first duty which a judge owes to his position is to have that patience which constitutes an important part of justice. Even superfluous matter had better be brought forward than any really necessary point be omitted.”

That patience here referred to marked the bearing of Judge Woods upon the bench to the fullest extent, and it was manifest to all.

In his other relations of life, all bear testimony that he was kind, upright, affable, and generous, yet firm and true to purpose, and that he adjusted his accounts with society as fully as he paid his debts to the high profession, of which he was so honorable a member.

With a kind and sincere regard for the memory of one of your number now no more, I ask that the resolutions be spread upon the records of the court, as a truthful testimonial to his worth.

RESOLUTIONS.

The bar of the Supreme Court of the United States and officers of the court have come together for the purpose of showing their respect for the memory of the late MR. JUSTICE WOODS, in whose honorable and useful life they see much that deserves to be remembered and to be held up for the imitation of his countrymen.

Looking back to the beginning of his career, when he entered the bar at Newark, Ohio, and tracing him down the stream of time, we find at every point the evidence of a character intensely devoted to duty.

There existed in this departed judge an uncommon union of patience, moderation, and determination which had much attracted public attention before his accession to the bench. This feature of his character became very marked in the legislature of Ohio in 1861, where he displayed great firmness and independence, in the face of censure and even suspicion,—so blinded by passion was reason,—in contending for the things that made for peace, and in resisting the adoption of war measures so long as it was possible to hope for good from a policy of conciliation.

But when the die of war was cast, he hesitated not a moment as to the course he would pursue, and his strong patriotic speech in the legislature in favor of taking up arms in defence of the Union has become historic already.

This speech he emphasized by promptly drawing the sword, which he did not sheathe until after peace had been firmly established.

His career in the army was distinguished, and, as was to be expected in so earnest and sterling a character, he was always at the front and took part in a number of pitched battles.

He was made a full Brigadier General on the recommendation of Generals Grant, Sherman, and Logan, and afterwards received the brevet rank of Major General for gallant and meritorious services.

It was in Alabama that General Woods was mustered out of service, and there he determined to take up his abode and engage in cotton planting in conjunction with the law.

That he soon commended himself in no small degree to the people among whom he had cast his lot is evident by the fact that in 1868 he was elected the Chancellor of the district in which he lived.

To the duties of that position he dedicated himself with such ability, assiduity, and singleness of purpose that by the following year the distinction he had already attained as Chancellor formed one of

the strongest grounds on which he was appointed the Circuit Judge of the Fifth Judicial District of the United States, an office which Congress had just created.

That he administered the duties of his new office, sometimes most delicate and perplexing, owing to the disturbed political condition of parts of his circuit, to the satisfaction of all is established by abundant testimony, and an examination of the four volumes of his reports of cases decided in his circuit will show the learning, the fidelity, and the ability he brought to the discharge of his duties both as Circuit Judge and Circuit Justice.

The words of the Chief Justice of Georgia, as presiding officer at a banquet given to Judge Woods at Atlanta by the bar on the occasion of his removing from that city, to which he had changed his residence some years before, to the seat of the National Government, to take his place on the bench of the Supreme Court of the United States, would be a proud epitaph on his tomb.

Referring to Judge Woods, Chief Justice Jackson said: "We are proud of him because he is identified with us, and while serving as a judge in our midst has known nothing but the law, and been loyal to nothing but the law."

It may be truly said that as a judge of the Supreme Court of the United States he exhibited great ability and a most praiseworthy industry, and that he possessed in a high degree the invaluable judicial quality of attentiveness to the arguments at the bar.

Of this departed, able, upright judge we believe it can be truly said that he never delayed justice to any man.

RESOLVED: I. That the bar of the Supreme Court of the United States and officers of the court are profoundly sensible of the loss that has been sustained in the death of WILLIAM BURNHAM WOODS, who has illustrated his country as patriot, citizen, soldier, and jurist.

II. That we tender the family of the deceased the assurances of our sincere sympathy.

III. That the chairman be and is hereby requested to transmit a copy of these proceedings to the Attorney General of the United States, with the request to present the same to the Supreme Court of the United States for such action thereon as is usual and proper according to the course of the court.

IV. That the chairman be and he is hereby requested to transmit an engrossed copy of these proceedings to the family of the deceased.

THE CHIEF JUSTICE thereupon said :

We are grateful to the bar for this tribute to the memory of our late associate.

What has been said is no more than is just, and it meets our hearty approval.

Mr. Justice Woods was taken from us in the midst of his usefulness, but the record of his judicial life as Chancellor for the middle division of Alabama, as Circuit Judge for the Fifth Judicial Circuit of the United States, and as an Associate Justice of this court, extends over a period of nearly twenty years of the most active service. Very soon after he took his seat on the bench of the Circuit Court he was compelled to deal with questions of the highest importance, novel in their character, and applicable to a new order of things among those whose rights were involved. How well he met them, and with what ability he exercised the duties of his office, is shown by the reports of his judgments and by the esteem in which he was held by all throughout the entire field of his labors.

He brought to this court a large judicial experience, and from the beginning he was zealous in his work and faithful to every duty. He was an upright man and a just judge.

The resolutions of the bar and the remarks of the Attorney General in presenting them will be entered on the records of the court.

