

Address. Hon. John B. Winslow.

GENTLEMEN OF THE BENCH AND OF THE BAR:*

In common with men generally we accept the practice of pausing at the passing of the year to take account of its gains and its losses. We view in retrospect the period closing and consider of its gifts and of its burdens. We cast up its account, setting on the one side that which we have had and on the other what has been taken away. We balance the one against the other and determine whether the year has been successful or otherwise. This is a prudent practice, conducive to progress and the correction of errors in action. I speak of material things; of mere business practices followed in dealings in money and goods and land.

There ^{is} ~~are~~ another class of happenings not recorded in ledgers or cash books or on inventory sheets. These never appear in the written record of our business accomplishments. They are preserved nevertheless; they are recorded in our hearts and are held in its innermost recesses for safe keeping. These are the friendships we have formed as we journeyed down life's way, - the friends we have known and loved and trusted through the years.

And these constitute man's dearest possessions. They are the real acquisitions of life; the belongings which neither failure nor untoward circumstance can deprive us of. They survive the comings and the goings of life until death breaks the chain which binds us to them. The affections of true friendship grow into feelings akin to veneration when the shadows gather and when those we love pass through the mists into the unending life beyond.

When we fail in a business undertaking we set about the recovering of our losses. There is a pleasure in turning failure into success; in retrieving the results of our errors through more perfect business functioning. There is happiness, indeed, in looking down from the mountain peak, gained through much striving, over the broken way our feet have followed in reaching it.

When a friend passes on we may not regain the loss we sustain because of his going. That loss is irretrievable. He is with us no longer. His voice is no longer heard. His familiar hand clasp is no longer felt. The comfort of his presence is no longer experienced. He has undertaken the great adventure, - as great as life itself, - as it is its complement. Our only comfort and recompense lies in the assurance we all feel that all is well with him and that, if we deserve it, we shall have him near to us again.

There is merit in the appreciation of the gifts we receive as we travel along the way and demerit in the lack of it. Ingratitude deserves all of the censure heaped upon it. The extent of one's gratitude may well be measured out according to the value or utility of the favor received. But it should be felt and manifested if we are to escape the just condemnation of men.

The losses we have suffered in goods or money or lands are of small moment. In years to come they will not be missed and mankind, as a whole, is probably as well off as before.

We are met here this morning to consider one of the losses we have met with during the year which we may not repair, - that sustained by the members of the bench and bar here, where he had his home for so many years; by the state he loved; by the n

Hon. J. B. W. 3.

nation and by mankind in the death of Chief Justice John Bradley Winslow.

I speak of him this morning as one who knew him. We met when he was a candidate for the position of judge of the Circuit Court of the First Wisconsin Circuit. From that time on I stood in that relation to him sustained by all of the older members of this bar. He directed the entry of the order permitting me to practice my profession as a lawyer. For more than thirty-five years I appeared before him while he presided in courts where my tasks required me to be. I formed my own notion as to the sort of man he was. I heard what others, more capable than I, said of him and of the service he rendered. During all of the period referred to, - a time beyond the average active life, - I followed his course, noted his reasonings, caught his views of the problems which vexed mankind, - and profited from it all.

It is needless to speak of the lifework of Judge Winslow in terms of praise. His life needs no advocate in order that it may be understood of men. He fixed his own place in public opinion. He lived openly, in the best sense of that word, soberly, clearly, fairly, - in the full sight of all of his neighborhood. His acts, while living, need neither excuse nor elucidation. He set an example that men may follow without fear.

In his work as a lawyer and as a judge Chief Justice Winslow employed marked clearness of thought and lucidity of speech. Few jurists surpassed him in accurate knowledge of the law and none in clarity of its expression. He never beclouded thought in a multitude of words. His habits of mind as a judge were well-nigh perfect. He experienced no difficulty in getting at the precise matters in dispute in any controversy. He knew

how to winnow testimony in a case, -how to separate the wheat from the chaff. He took firm hold of the facts before him and he had an intuitive appreciation of the rules of law applicable to them.

He was a lover of exact justice and he knew how helpful were the rules of equity in dispensing it. He was fearless, without show, as strong as a lion in sustaining right, as tender as a child in his sympathies for the fallen. He despised the hypocrite and made short work of any cause in which a suitor sought to secure an unfair advantage. He was alive to the fact that the activities of men are broadening, constantly, and that old principles had to be molded and fashioned to fit new conditions. His sympathies were with the common run of men and he was wont to say that if the courts took care of the rights of the common man the rights of all would be preserved. He enjoyed the consideration of the greater problems of the law and never failed to note that these were often presented in cases where the property or matter in dispute was of small monetary value. Many of his written opinions are classical in structure and in brevity. Others are milestones in the road over which the law has progressed in dealing with the affairs of men. It is within modest speech to assert that few of the jurists of America had a greater number of admirers than he. His work will live to illumine the way during all of the years to come.

Many lawyers and judges are little better than hermits, - unknown beyond the courts where they work and the caves into which they retire when a professional task is done. Judge Winslow was not one of these. He found time to serve in other and widely varied capacities. Few others were more active than he in dealing with the

problem of the reclamation of criminals; with the matter of the care and moral training of the young and with the ways and means of preventing the recurrence of wars among the nations. To these and other matters of moment to mankind he gave deep and earnest thought and effort. His views on some of these were printed and preserved. They are all of a high order of merit.

He was always considerate of the young lawyer. His friendship ^{to} ~~for~~ them resulted to their very great advantage. He devoted much of his time to encouraging them in the work of securing a sound working knowledge of the law. The books he wrote were intended as aids to them in their work. He said that he hoped that they might serve that end.

His great burdens were lightened by his fine sense of humor. No one else could discern the quaintly humorous aspect of a court controversy quicker than he. He did not allow this gift to become manifest in the written records of his tasks. Those who knew him well did not fail, however, to note the quiet pleasure he derived out of controversies which less agile minds treated with marked, though undeserved, seriousness. In his private intercourse with men this sense of humor found expression in bright sallies of cleanly wit and in the pleasantries which add so much of happiness to those about us.

He was a rare friend and companion. In his family life he was deeply beloved and among his intimates he commanded respect and admiration. He was unaffected, sincere, delightful, from every point of view. He bound his friends to him in a permanent sort of way. He enjoyed them, was always happy to say so, and they were happy in his company. The death of any of them distressed him deeply.

A few years since it fell to my lot to present to the Supreme Court of this state the memorial of the State Bar Association

Hon. J. B. W. 6.

in the matter of the death of Mr. Charles Quarles, the noted Milwaukee lawyer. Mr. Quarles and Judge Winslow had been lifelong friends. Their relations had been close and unusually cordial. Each admired the other in a sincere and active way. They were quite alike in many respects.

While addressing the bench I had occasion to refer to the very charming personal qualities of the deceased scholar and lawyer. This evidently recalled some particular circumstance to Judge Winslow's mind. He never told me what it was. But the memory caused him to lose for the instant his usual splendid reserve and the hot tears of sorrow fell from his face to the desk below. He testified to the strength of a great friendship.

Afflicted with an incurable malady, with death approaching and the time of parting near, he found consolation in a splendid faith in God and in His enduring mercy and love. He believed that he would meet his friends again in a life without ending. While his sufferings were great he knew with the gentlest of poets,--that--

"The path of sorrow and that path alone

"Leads to the land where sorrow is unknown."

A few days before he died Chief Justice Winslow wrote a letter of appreciation to a friend who had rendered him some little service. He thanked the latter for his kindness and closed his letter in this way:--

"I am fighting a hard battle and we may not meet again. I'll not say goodbye but express the hope that, in some fairer clime, I may bid you good-morning."

Nothing else could more fittingly exemplify the character of the dead jurist that this expression of the hope that, in the fulness of God's time and according to the Divine will, his friends

Hon. J.B.W. 7.

would come to him to renew the pleasant associations here, -never again to be severed. *Enjoyed.*

May I express the hope that, inspired by this splendid example, our lives may be so ordered that, when life's work is done, we may seek rest sustained by the same splendid hope and confidence?

I can do no better in closing this brief tribute to one who was a true and constant friend than to repeat his language in accepting a ^{memorial} tribute presented to the Supreme Court upon the death of one he held dear.

"And so we say the final word "farewell" to that brave and knightly soul which has put forth into the unknown dark sooner, but only a little sooner, than its mates. Shall we again have converse with him? Shall we once more hold sweet communion with that rare spirit in some fairer land than this?

Alas, we know not,

"Yet love will dream and faith will trust,

(Since He who knows our needs is just)

That somehow, somewhere, meet we must."

Memorial

George John D.

Franklin

[Signature]

Primeras Rey

Stro. M. Fleming, Jr.

FILED

DEC 31 1920

John C. Woods
Clerk of the Circuit Court.

Memorandum

James John D.
Henderson

Remember King
Steve. M. Young, Sr.

FILED

DEC 31 1920

John E. Smith
Clerk of the Circuit Court

WHEREAS, Honorable John Bradley Winslow, formerly a resident of Racine and a member of the bar of this county, afterward, from 1883 to 1891, Judge of the First Judicial District of Wisconsin, and then, for the remainder of his life, a member of the Supreme Court of the State, and since 1907 its Chief Justice, died at his home in the City of Madison on the 13th day of July 1920; and

WHEREAS, the members of the Bench and of the Bar of Racine County desire to place on record, in plain, simple and sincere phrase, as would be his wish, their appreciation of the character of the deceased Chief Justice, and an expression of the sorrow and sense of loss which they feel because of his death:-

THEREFORE, RESOLVED:

By the members of the Bench, and of the Bar of Racine County, that in the death of Honorable John Bradley Winslow, we recognize the passing of one of our country's greatest jurists, - of a model trial judge, and a keen minded, dignified, but kindly presiding justice in the State's highest tribunal, - of a devoted and constant servant of justice, - of an alert and patriotic citizen animated by high purposes and of unsullied character, - an upstanding manly man of broad human sympathies, - in private life a lovable friend and companion, - and a scholar whose accomplishments were broad and unusually complete.

FURTHER RESOLVED:

That as a mark of our heartfelt sorrow over the death of Chief Justice Winslow and of our respect for his memory, these resolutions be offered for record in the courts of record of Racine County, and a copy thereof be forwarded to the family of the deceased, and a copy also to the Clerk of the Supreme Court.

Memorial to

George J. D. Finley

President

FILED

DEC 31 1920

John E. Wood,
Clerk of the Circuit Court.

SIMMONS & WALKER

COUNSELLORS AT LAW

JOHN B. SIMMONS
MORTIMER E. WALKER

RACINE, WISCONSIN

December
Thirtieth
1920.

Hon. D. H. Flett,
Chairman of Committee,
Racine, Wis.

Dear Judge Flett:

I regret very much to inform you that previous plans and engagements render it impossible for me to be present and participate in the memorial exercises in honor of the late Chief Justice, Hon. John Bradley Winslow.

Among all the men I have known, there is none to whose memory I would more gladly pay respectful and reverent homage, and, next to my own father, none whose passing could wake a stronger chord of personal sorrow.

Whether we think of him as the great jurist, thorough-going in his honesty and independence, with a keen sense of justice, alert mind and trenchant reasoning, and his constant effort to make the administration of the law progressive and keep it abreast of the times, - or whether as a citizen high minded, quick to detect the root of evil tendencies and prompt and active to correct them, - as a scholar and writer with his broad attainments and enviable felicity of style and expression, - or just as a human being, with his keen sense of the ludicrous, his own dry humor, his capacity for friendship and companionableness, - we are filled with a profound sense of grief at what we have lost as a state, as a profession, and in the more personal relation.

It is well that we honor him for in doing him honor we do exalt ourselves.

Very respectfully yours,

John B. Simmons

2

Memorial

Judge Andrews

John D. Sumner

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DEC 31 1920

John E. Woods
Clerk of the Circuit Court

MEMORIAL SERVICES ON DEATH

OF

JUDGE JOHN B. WINSLOW

December 31, 1920.

My first acquaintance with Judge Winslow began in the summer of 1880, and from that time up to his death, I regarded him as a personal friend. Whenever he came to Racine, I was almost sure of a personal call and a delightful visit. As a friend, he endeared himself to all with whom he came in contact, by his winning personality.

Riley When I first knew him, he was City Attorney, practicing alone, with an office in the Lukes Block. He afterwards formed a partnership with Charles A. Brownson, and a little later, with Joseph V. Quarles.

Outside of his ^{law} work, he was greatly interested and active in many other lines. For many years he was one of the trustees of Racine College, and labored zealously for its success.

He was also one of the leaders in the State Y.M.C.A. work, and one of the leading spirits of the American Institute of Criminal Law and Criminology.

But it was as a lawyer and a judge, that his special talents were most conspicuous. His report as referee in the Case-Fish litigation, was most masterly and laid the foundation for his subsequent career.

His selection as Circuit Judge in the first instance in 1883, in a district so overwhelmingly Republican, while he was a Democrat, and his re-election afterwards, without opposition, was a high tribute to his character and ability.

And his work as Circuit Judge, was so satisfactory to the public generally; that in 1891 he was appointed as Associate Justice of the Supreme Court of Wisconsin; to fill the vacancy caused by the death of Judge Taylor, and was elected for the unexpired term in 1892, and re-elected in 1895, 1905 and 1915.

During his long term as a Judge of the Supreme Court, he participated in the decision of nearly 10,000 cases. His written decisions were usually brief, but were models of clear and vigorous thought and felicity of expression; and no man, since the death of Judge Ryan, nearly one-half a century ago, has done so much to put the Supreme Court of Wisconsin, in the front rank of State Courts, as Judge Winslow.

Judge Winslow once made the statement that,

"The practice of law ^{is} ~~was~~ not a trade, but a ministry."

and he never varied from that high ideal.

To quote the words of another:

"By the death of Chief Justice John P. Winnow, Wisconsin loses a great man; a jurist of eminence; a scholar of high attainments; a patriot of lofty purposes and distinguished achievements; he adorned the State during the lifetime of its laws, and his noble and virtuous services will live in its history throughout the coming years."

Remarks by
Judge R. J. Frost

1920
John P. Winnow

John P. Winnow
Clark County Court

By the death of Chief Justice John B. Winslow, Wisconsin
 loses a great man; a jurist of eminence; a scholar of high
 attainment; a patriot of lofty purpose and distinguished
 achievements; he adorned the State during the lifetime
 of its service and his name and achievements will
 live in its history throughout the coming years."

*Remarks by
 Justice D. P. Hoar*

*John
 Clark Everett Court*