

In Memoriam.

Hon. JOHN D. WORKS,

Associate Justice of the Supreme Court of the State of California,
1888-1890.

At a regular session of the Supreme Court held on October 8, 1928, the following proceedings were had in honor of the memory of the late Justice John D. Works.

Chief Justice Waste recognized former Associate and Chief Justice Lucien Shaw of this Court, who presented a memorial to former Justice John Downey Works on behalf of the Los Angeles Bar Association and moved that the resolution be received and made a part of the minutes of this Court. The motion was granted; and in addition, it was announced that the memorial will be published in a future volume of the California Reports.

Justice Richards, on request of Chief Justice Waste, replied to the memorial on behalf of the Court. It was further ordered that when the Court adjourns this day it should be in honor of former Justice Works.

The memorial reads as follows:

Memorial of the Life and Services of the Honorable John Downey Works.

There passed from our midst on the sixth day of June, 1928, an outstanding figure in the life of this community—John Downey Works. When the last summons comes for a great and good man, whose memory is lustrous with noble achievement, those of his comrades who are left to carry on should pause to record their respect for his memory. It is fitting, therefore, that the Los Angeles County Bar Association should make this memorial of the life and character of an illustrious jurist whose career was a record of distinguished devotion to public service.

Judge Works was born March 29, 1847, on a farm in the State of Indiana. His father, after spending the years of his early life as a farmer, later became a successful attorney.

An uncle of young Works on his mother's side, Judge A. C. Downey, was for years one of the distinguished figures of the bench and bar of Indiana.

John Downey Works was admitted to the bar of Indiana in 1868. In the meantime, at the early age of sixteen and one-half years, he left his father's farm and volunteered as a private soldier in the 10th Indiana Cavalry, serving eighteen months, or until the end of the Civil War. At the age of twenty-one he began the practice of his profession at Vevay, Indiana, in partnership with his father, who, recognizing his ability, insisted always on putting him forward so that he was practically the head of the firm from the beginning. After fifteen years of strenuous labor as a member of the Indiana bar, his health failed him, and he was ordered by his physicians to a different climate. Disposing of his home, he came with his wife and five children to San Diego in 1883, where, beginning life anew, he started with but little capital, save that rugged character and strong mentality with which he was so richly endowed. His health improving, he soon attained a satisfactory and lucrative practice in his new field of endeavor. Except for the time he was on the bench, or in the United States Senate, he was for more than forty years an active member of the California bar, and a conspicuous leader in his chosen profession.

Judge Works' official career began in January, 1879, as a member of the Legislature of the State of Indiana. Soon after locating at San Diego, he served a short time as city attorney. He had been in San Diego but a little over three years when, in 1886, on the unanimous recommendation of the bar of that county, he was appointed by the Governor to the bench of the Superior Court for San Diego County. The appointment came unsolicited. At the next election he was chosen by the electors without opposition, serving one year in all. He resigned from the Superior Court to form a partnership for the practice of law with the Honorable Olin Wellborn, who afterwards distinguished himself as judge of the United States District Court for the Southern District of California. In 1888 Judge Works was appointed to the office of Associate Justice of the Supreme Court, to fill, until the next election, the vacancy caused by the resignation of Justice E. W. McKinstry. Subsequently, he was nominated for the office by the Republican State Convention,

was elected, and served for the unexpired term of two years and three months. His work on the Supreme bench was extremely laborious and exacting; it so sapped his strength that he was forced to decline to be a candidate for re-election. The masterly opinions written by him while a member of that court evince, in their logic, a mind keen, critical and analytical, and in their literary quality, a style bearing the marks of the clear-thinking, cultured scholar.

In 1896 Judge Works came to Los Angeles where, in 1910, after fourteen years devoted to his law practice in that city, he was elected a member of the City Council. He received the highest number of votes of any of the candidates, and was chosen by his associates to be the president of the council. After a brief service he was requested by the leaders of his party to become a candidate for the United States Senate. He declined, giving as the reason for his declination that he was financially unable to carry on a campaign for such an office and, further, that he was opposed to a candidate spending large sums in election expenses. Later, when a committee urged upon him further reasons why duty called him to become a candidate, he consented, but on the condition that he was to pay only the necessary legal charges and his own personal expenses in making the campaign. He was nominated, received a plurality at the primaries, and was chosen by the Legislature. He entered the United States Senate in 1911, and served his country during his six-year term with distinguished ability and fidelity. He did not become a candidate for re-election. One of the outstanding features of Judge Works' record of public service is the fact that all the various offices held by him came unsolicited and without effort on his part.

For many years Judge Works was a contributor to the literature of his profession. Shortly before he came to California there was published a three-volume work entitled "Works' Indiana Practice and Pleading," which is still a standard work on the subject in his native state. In 1894 he published a work entitled "Courts and Their Jurisdiction." He was selected as editor-in-chief of the "Encyclopaedia of Evidence," but severed his connection after the publication of the first volume, some of the articles in which were written by him. He has prepared a number of articles for magazines, and also two small volumes, "Judicial Re-

form" and "Man's Duty to Man," and a larger volume called "What's Wrong With the World?"

The private life of John Downey Works was singularly pure and honorable. He walked among his fellows with the calm serenity of the man who is conscious that always he has traveled the strict path of duty—a type one can but regard with feelings of deepest respect.

Caring little for wealth, yet with his modest means he had in the Sabbath of his days all that should accompany old age—honor, love, obedience, troops of friends, and heaven's best treasures—peace and health. Living the rich, intellectual life of the thinker, he could say with Blake:

"I have mental joys and mental health,
Mental friends and mental wealth."

Like all strong natures, he was intensely loyal to his convictions. He respected the integrity of his own judgment. Where reason and conscience pointed the way, 'twas there he pressed forward, never faltering, never swerving.

The passing of our friend and fellow-traveler on life's highway leaves a vacant place in the hearts of all who knew him, and an affectionate regret. The judicial forum loses one of its brightest adornments, and the State of California a citizen whose memory will live in the hearts of those who come after him, stimulating them highly to resolve to measure up to the traditions of a noble profession.

We deem it fitting that this brief statement of the life and career of John Downey Works be presented to the court with the request that it be made a permanent record.

Jefferson P. Chandler, Richard J. Dillon, Oscar Lawler, Nathaniel P. Conrey, Lucien Shaw, Wm. J. Hunsaker, John G. Mott, Leonard B. Slosson, Albert Lee Stephens, Bradner W. Lee, Jr., Edwin A. Meserve, Frank G. Finlayson, Committee of the Los Angeles County Bar Association.