

HONORABLE WILLIAM H. KIRKPATRICK

by

John Francis Goldsmith

I have the sad duty to notify the Court that the Grim Reaper has again moved into our midst, and has cut down our most distinguished member, William Huntington Kirkpatrick.

His death occurred November 28, 1970 at his Cumberstone, Maryland home at the age of 85.

Our late brother at the bar was indeed a learned and distinguished member of a learned and distinguished family. His father, William S. Kirkpatrick, a graduate of Lafayette College, Class of 1863, and a talented member of our bar, was at various times a Judge of this Court, Attorney General of Pennsylvania, President of the Board of Trustees of Lafayette College, and twice acting president of the College. He died in 1932, likewise attaining an age in the high eighties.

Donald M. Kirkpatrick, brother of William H., was a distinguished architect, winning at an early point in his career an international prize in architecture at Paris. Miles W. Kirkpatrick, son of William H., has recently been commissioned Chairman of the Federal Trade Commission by President Nixon.

William H. Kirkpatrick was born October 2, 1885. His mother was Elizabeth Huntington Jones, a daughter of Matthew Hale Jones, one of Easton's prominent citizens. He was graduated from Lafayette College, Class of 1905, with the degree of Bachelor of Arts, studied law at the University of Pennsylvania Law School, and was admitted to the Bar in 1908, whereupon he joined his father's law firm of Kirkpatrick and Maxwell. His career at the bar was marked by honor, courtesy, and competence.

In 1913, he married Mary Stewart Wells, and they became the parents of two sons, William S., II, and Miles.

During World War I he served in the Judge Advocate Generals' Department of the Army with the rank of lieutenant colonel. In 1920 he defeated the late George Geiser, also a member of this bar, in the Congressional election, and served

in the Sixty-seventh Congress from 1921 to 1923.

It was here that he met and was befriended by Pennsylvania's illustrious Senior Senator, George Wharton Pepper. His high qualities of mind and character gained the confidence of Senator Pepper, a relationship that led to his appointment in 1927 by President Coolidge to the District Court of the United States for the Eastern District of Pennsylvania, of which court he ultimately became Chief Judge.

Upon receiving this appointment Judge Kirkpatrick called upon the President to thank him and to assure him that he would give the best service of which he was capable to the high office. With his characteristic laconic Yankee twang the President merely said, "I know you will."

I have long regarded it as one of the privileges of my life that my family and the Kirkpatrick family were closely associated. My father studied law in the office of the elder Judge Kirkpatrick. Our families were next-door neighbors. I spent many hours and covered many miles in long walks through the country with the younger Judge. His mind was keen and retentive, his interests were catholic, and his enthusiasm, although tempered with the wisdom of age, was the enthusiasm of youth.

On these walks we discussed not only the law, but every other conceivable subject—history, politics, astronomy, the universe, and sometimes just plain human gossip.

In the 1930's I wrote a book called "Quiz Yourself", which was an examination in general cultural knowledge covering 222 questions in some 30 subjects. The book was published by Harcourt, Brace and Company in New York City. Before publication the publishers sent the book to some nationally prominent authorities for test scores to print on the jacket. Among these were Dr. Harlow Shapley, America's leading astronomer, Lewis Mumford, the well-known author, and Judge Kirkpatrick. Under the grading plan a grade of 50 was above average and good. The results were published with the book. And lo! Judge Kirkpatrick's name led all the rest—with a grade of 70.

On one of our walks we were discussing the Witnesses Act of 1887. I commented that it was vague, its meaning was obscure, and that it was very poorly drafted. The Judge re-

plied, "I know it is; father wrote it."

Succeeding his father who had been a trustee of Lafayette College for thirty-six years, Judge Kirkpatrick was elected a life trustee in 1933, serving in his turn in that capacity and as emeritus trustee for thirty-seven years. And again, like his father, he served as president of the Board of Trustees, from 1940 to 1956. And so distinguished father and distinguished son served their Alma Mater as trustee for a combined period of seventy-three years, a consumation rare indeed in the annals of any college.

In recognition of his services Dr. K. Roald Bergethon, President of Lafayette, conferred a citation including these words: "In public and private roles, you earned respect and affection through an equitable temperament and generous regard for others. Leadership responsibility sought you out, not for aggressive ambition but for intelligent discernment—and conscientiously you exercised it, selfless in obligation and careless of recognition."

Judge Kirkpatrick retired from active duty in 1958 after 31 years service on the Federal bench, but continued thereafter to sit in cases in the District Court, the U. S. Circuit Court of Appeals, and the U. S. Customs Court when called upon.

His career on the bench was studded with decisions and opinions reflecting learning and discernment, sound law, sound judgment, and good sense. No dabbler in legal sophisms he; nor one to hold that the law really means exactly the reverse of what it plainly says.

Judge Kirkpatrick was highly regarded by the Philadelphia bar, as indeed by the profession everywhere. Knowledgeable persons in the profession had long been of the opinion that had the political winds blown otherwise, he might well have been appointed to the United States Supreme Court, a tribunal which he would have graced.

On September 21, 1966, the Northampton County Bar Association gave a dinner in honor of Judge Kirkpatrick and Judge J. Cullen Ganey of the United States Circuit Court of Appeals, citing them as the only two members of the Northampton bar to have served on the Federal bench in the history

of the Nation. Our bar may have been short in the number of its Federal judges, but we have made up for it in quality.

The very menu on that memorable occasion was the quintessence of legal erudition: hors d'oeuvres à la Code Napoleon; Crudités Solon; Soupe Justinian; Filet de Boeuf Blackstone; Pommes John Jay; Légumes Moses; Salade Marshall; Petit fours Cicero; and Demi-tasse Holmes.

The departing of William Huntington Kirkpatrick brings to mind the immortal lines from *The Tempest*:

Our revels now are ended: these our actors,  
As I foretold you, were all spirits, and  
Are melted into air, into thin air:  
And, like the baseless fabric of this vision,  
The cloud-capp'd towers, the gorgeous palaces,  
The solemn temples, the great globe itself,  
Yea, all which it inherit, shall dissolve;  
And, like this insubstantial pageant faded,  
Leave not a rack behind: We are such stuff  
As dreams are made on, and our little life  
Is rounded with a sleep.

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