

Presentation

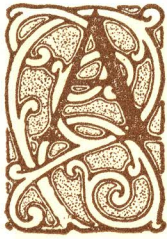
**April Twenty-third, One Thousand Nine
Hundred and Twelve**

**United States Circuit Court of Appeals
for the Seventh Circuit**

PRESENTATION *of the* Portrait
of the Honorable Peter S. Grosscup,
to the United States Circuit Court
of Appeals for the Seventh Circuit

Proceedings had on the twenty-third
day of April, one thousand nine
hundred and twelve





At a regular term of the United States Circuit Court of Appeals for the Seventh Circuit, begun and held in the United States Court Room, in the City of Chicago in said Seventh Circuit, on the third day of October, 1911, of the October Term, in the year of our Lord one thousand nine hundred and eleven and of our Independence the one hundred and thirty-sixth year.

Tuesday
April 23
1912

On Tuesday, April 23, 1912, the court met pursuant to adjournment in the court room of the United States Circuit Court of Appeals in the City of Chicago, and was opened by proclamation of crier.

Present:

Hon. Francis E. Baker, Circuit Judge, presiding;
Hon. William H. Seaman, Circuit Judge;
Hon. Christian C. Kohlsaatt, Circuit Judge;
Edward M. Holloway, Clerk;
Luman T. Hoy, Marshal.

There were also present and sitting with the court:

Hon. James G. Jenkins, United States Circuit Judge for the Seventh Judicial Circuit, retired;
Hon. Julian W. Mack, United States Circuit Judge of the United States Commerce Court;
Hon. Albert B. Anderson, United States District Judge for the District of Indiana;
Hon. Ferdinand A. Geiger, United States District Judge for the Eastern District of Wisconsin.

**Committee
and
Contributors** On behalf of the following members of the Bar
of the United States Circuit Court of Appeals for
the Seventh Circuit, the Committee, consisting of:

Mr. John S. Miller, *Chairman.*

Mr. W. W. Gurley, Mr. Levy Mayer,
Mr. Sidney C. Eastman, Mr. Edward Rector,
Mr. William G. Beale, Mr. Geo. T. Buckingham,
Mr. Harry Rubens, Mr. Robt. H. Parkinson,

presented to the court a portrait of the Honorable
Peter S. Grosscup:

Abbey, Charles P.	Dunlap, Robert
Abbott, William T.	Eastman, Sidney C.
Adams, E. H.	Eckhart, Percy B.
Addington, Keene H.	Eddy, Alfred D.
Allen, C. L.	Elting, Victor
Alschuler, Samuel	Field, E. C.
Bachrach, B. C.	Fisher, George P.
Bancroft, Edgar A.	Fitts, Charles F.
Banning, Thomas A.	Forrest, William S.
Banning, Walker	Goodrich, Adams A.
Beale, William G.	Gregory, S. S.
Benjamin, Frederick	Gridley, M. M.
Bradley, Ralph R.	Gunthorp, Walter J.
Brown, Charles A.	Gurley, W. W.
Buckingham, Geo. T.	Harlan, John Maynard
Buell, Charles C.	Harris, Addison C.
Burry, William	Hart, Louis E.
Busby, Leonard A.	Haynes, W. Knox
Butler, Rush C.	Holden, Charles R.
Campbell, B. A.	Hopkins, Francis A.
Clapp, Harry Lincoln	Hopkins, James S.
Day, Stephen A.	Irwin, W. T.
Defrees, Joseph H.	Jack, R. P.
Dent, Thomas	Jack, William
Dillard, F. C.	Jones, W. Clyde
Dynes, O. W.	Knapp, Kemper K.
Dyrenforth, Arthur	Kohlsaas, E. C.

Contributors

Kramer, Edward C.
Kramer, R. J.
Kraus, Adolf
Kremer, Charles E.
Kurz, Adolph
Latham, Carl R.
Lee, Blewett
Lee, John H. S.
Lincoln, Robert T.
Lindley, Frank
Linthicum, Charles C.
Loesch, E. J.
Lotz, Rudolph W.
Lyford, W. H.
Lyman, David B.
Lyman, David B., Jr.
Kies, William S.
MacLeish, John E.
Mason, Roswell B.
Mayer, Levy
McKeever, Buell
McRoberts, J.
McShane, James C.
Milchrist, Thomas E.
Miles, C. V.
Miller, John S.
Moore, N. G.
Montgomery, John R.
Morrison, Charles B.
Morsell, A. L.
Musgrave, Harrison
Newman, Jacob
Oakley, Horace S.
O'Connor, John
O'Connor, John M.
Offield, Charles K.
Oppenheim, William S.
Page, Cecil
Page, Samuel S.
Parkinson, Robert H.
Payne, John Barton
Payson, George S.
Peirce, James H.
Rector, Edward
Reed, Frank F.
Richmond, Carl A.
Roberts, Jesse E.
Rogers, Edward S.
Rosenthal, James
Rubens, Harry
Runnells, John S.
Scott, Frank H.
Scott, Walter A.
Sheridan, Thomas
Sheriff, A. R.
Sims, Edwin W.
Strawn, Silas H.
Stephens, Redmond D.
Stevens, John S.
Synnestvedt, Paul
Taylor, R. S.
Thornton, Charles S.
Tolman, E. B.
Towle, Henry S.
Troup, Charles
Vincent, William A.
Wegg, David S.
West, Roy O.
Wheeler, Arthur D.
Whitney, Max H.
Wilkinson, George L.
Williams, Lynn A.
Wilson, John P.
Wood, Charles B.
Zoline, Elijah N.

Presentation *Mr. John S. Miller on behalf of the Committee and*
by Mr. Miller *members of the Bar of the United States Circuit*
Court of Appeals for the Seventh Circuit, making
the presentation, addressed the court as follows:

I am asked this morning to interrupt the customary proceedings of the court by a matter that is exceptional and more personal.

Some few months ago, your honors lost from your counsels one who had been a member of the court for perhaps a dozen years or more, antedating, I believe, any of his brethren upon the bench here— Judge Grosscup.

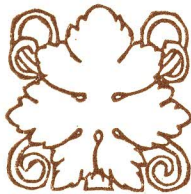
A large number of the members of the Bar have thought that occasion an appropriate one for having prepared an oil portrait of Judge Grosscup, and I have been commissioned as Chairman of the Committee of the Bar to present the same to your honors, and, supported by other members of the Bar, ask the court to accept this tribute of the Bar to Judge Grosscup.

It is always not alone an interesting thing, but to understand the words of a man, an important thing to look in the faces of the men with whom we deal. The expression of the features, his title, and all of that enable us to better understand the words of the man. So it is more than a tribute to the individual. It is a matter of value to the lawyers who practice in this court and who read the opinions of your Honors and your Honors, predecessors and of your successors, to be able to see, during the years that they are no longer able to look into the faces of

the men, the portraits which are likenesses of the **Presentation**
men who graced this bench. **by Mr. Miller**

Here, in this case, not alone have we a striking subject for portraiture—a man who, by his type, by his features, by the intellect behind the features, presents a striking subject; but we have, too, the artist who has painted this portrait; who has been honored by medals and prizes from Salons and Art Exhibitions; who has succeeded not alone in his work in this country, but by exhibitions abroad, and his portraits adorn the homes of many of the distinguished art loving men of Chicago—Lawton Parker.

It is not my part to speak longer on this subject or the occasion, but as Chairman of the Committee to introduce the subject, and the committee have selected Mr. Gregory and Mr. Offield to make the remaining short addresses that are to be made on behalf of the Bar.



Address *Mr. S. S. Gregory addressed the court as follows:*

by

Mr. Gregory

If the court please: It affords me much pleasure to attend upon this occasion and offer a few observations suggested by it. There is an obvious propriety in cherishing the traditions of this important court among the members of its Bar, and, in expressing as opportunity is afforded, our appreciation of the valuable public and judicial service of the Judges who have sat upon it.

It is now nearly thirty years since Judge Grosscup, then a very young man, came to this city to practice his profession. Shortly thereafter I made his acquaintance and I remember him well in those early years of his professional life. The late Judge Tuley, a great chancellor and a man of wide experience, both professional and judicial, expressed to me more than once the opinion, while Judge Grosscup was at the Bar, that he was one of the ablest and most promising of our younger lawyers.

He was recognized by his professional brethren as an intellectual man of keen and discriminating mind and no little mental force. He had a considerable practice, extending occasionally to the Supreme Court of the United States. At a comparatively early age he was appointed to the Federal bench as District Judge of this district, succeeding the late Henry W. Blodgett, who had served for many years in that important position, and was one of the most capable and efficient Judges who ever sat in any court. In fact, I may say that I have never practiced before a Judge who could justly be regarded as his

superior. One of Judge Blodgett's most marked characteristics was the facility with which he disposed of judicial business without slighting any matters or any want of thoroughness and comprehension.

Address
by
Mr. Gregory

To fill the place of such a man was indeed a difficult task. Yet I think the members of our Bar, who then practiced before Judge Grosscup, will agree that he did this with general acceptance. I have often observed the promptness, firmness and intelligence with which he disposed of a long calendar of contested motions, in his facility and dispatch by no means suffering in comparison with his experienced and most capable predecessor.

The most important case in the District Court, in which I appeared before him, was the defense of Debs and others on a charge of criminal conspiracy, growing out of the Railway strikes of 1894. He presided in that case with great impartiality and ability; and, as an instance of what can be done by efficient methods in such matters, I may say that, in that much discussed case, an excellent jury was impaneled in two days.

Something like twelve years ago, on his promotion to the Circuit Bench, he became a member of this court. His service here is so recent and familiar that it would be a work of supererogation to do more than refer to it. Possessing a keen analytical mind of ready apprehension and excellent mental grasp, I have thought that he particularly excelled in the running debate on oral argument between Bench and Bar, which when marked by a

Address spirit of mutual fairness and courtesy, does so much
by to illuminate the difficulties of a complicated case
Mr. Gregory and aid in its correct determination.

Judge Grosscup served with distinction upon this court until his recent retirement from judicial office, at the same time doing no little important work at the Circuit; a practice which, it seems to me, is quite desirable as tending to promote judicial efficiency in a member of an Appellate Tribunal. I have seen Justice Davis, Justice Miller, Justice Harlan and other members of the Supreme Court years ago, presiding at the Circuit; and regret that under our present system, members of that great tribunal have practically abandoned this custom.

It is fitting that this excellent portrait of Judge Grosscup should find permanent place in this court room, which was so largely the scene of his important judicial labors; and I am indebted to the committee having the arrangements in charge for an opportunity to be present on this interesting occasion and cordially to participate in these ceremonies.

We of the Bar welcome Judge Grosscup back to those activities of the profession in which he early won distinction, and hope that he may long continue in these relations with us and in the enjoyment of that professional success to which his talents, his attainments and his valuable experience so justly entitle him.

Mr. Charles K. Offield addressed the court as follows: **Address
by
Mr. Offield**

May it please the court: There is an aphorism extant more than a century in this country, and to an extent, indeed, that it has passed into a proverb, and is applied to holders of official positions, both State and National, namely, that "Few die and none resign." This proverb, however, must be recast as applied to the Federal Judges in this country, so as to read: "Few resign and mostly all die in the harness."

The history of the Federal Judges in the Seventh Circuit, so far as I have learned, shows that aside from the voluntary retirement of the judges in the fullness of years and honors, under the statutory age limit—the three score years and ten of the psalmist—but four judges have resigned from the bench from the beginning, for nearly a century past; two for high political positions; Justice David Davis, from the United States Supreme Court, to take on the toga of a United States Senator from this State, and Judge Walter Q. Gresham, then ranking Justice of this Court, to enter President Cleveland's Cabinet as Post Master General, and thereafter Secretary of State. Two judges have resigned from the Bench of this Circuit to take their places again in the ranks of the practitioners from whence they came—Judge Dyer of Wisconsin and now Judge Grosscup of Illinois.

It has come to pass that members of the Bar, who have lived their professional lives in part in this court, have chosen and passed into a custom

Address in this Circuit the presenting to the court of a painted
by portrait of each judge who, either by death or resig-
Mr. Offield nation, is separated or separates himself from this
court. The custom is something more than a custom.
It rests largely upon principle and a belief and a
right desire that not only for the present, but for the
future, there shall be found upon the walls of this
room, the likeness and effigy of those who expounded
the law, and rightly found and disposed the applied
facts to the end that justice might prevail in each
and every case determined by the court. It has
seemed to us that the likeness of the judge so pre-
sented should show him as he appeared upon the
Bench, in the robe of his office, and the clear light
of interest and individuality shining from his face
and his eyes; to do this requires something more
than the wish of the bar, and the sitting of the
judge; it requires the genius and thought and skill
of the artist to bring about this result.

In the portrait which we now present of Judge
Grosscup, we believe we have found the idealism
of portrait painting with accompanying sentiment
and judicial poise expressed, as above indicated,
and by a distinguished artist having a deep concern
to that end. We lawyers will not soon, nor ever,
forget the kindly courtesy, and attention, and con-
sideration, and the intelligent comprehension to
and of the argument of cases before Judge Gross-
cup, and yet in this court, with all the courtesy and
consideration given to lawyers in the argument of
cases, there was ever present the controlling hand of
the Judge to compel lawyers to "hew to the line."

Address
by
Mr. Offield

the Federal judges in whose jurisdiction this branch of the law is wholly confined. The questions relating to patents and inventions lie far outside of the current thoughts, emotions and lives of men, but Judge Grosscup, from the beginning, took a deep interest in this, to him then, unknown branch of the law. So rapidly did he rise in knowledge and learning in this specialty, both as a lawyer and a mechanician, that he became an authority upon the utility and economics of patented mechanisms, and quotations from his opinions are found in the leading text books, as being the highest type of statement and expression of the vital principles that control this particular subject, and constantly referred to.

Judge Grosscup realized and appreciated the standing and place of inventors, and of inventions, in the world's progress. He knew the Federal courts were the final and only refuge and citadel for their protection. He understood and had at heart as judge, that, within the memory and the deeds of living men, the inventors and inventions had turned this planet of ours into a vast whispering gallery and that the voices of men and the sound of music from far and near distances, can be brought to our homes in an instant of time; that by the genius of inventors and inventions, there comes flashing through the darkness to the safe dwellers upon the land, the death cry of great ships that pass and go down in the night. In this day of invention, men fly with the birds of the air and swim with the fish of the sea.

The highest compliment that ever has been or can be paid to Judge Grosscup's portrait, or to any portrait, is that it is a "speaking likeness," yet, by the invention and inventors of this decade, a man, though dead, may yet speak for a thousand years.

Address
by
Mr. Ofield

Your Honors, in the resignation of Judge Grosscup, what is loss to the Bench is gain to the Bar. We present to you the shadow of the substance, the *alter ego* of Judge Grosscup. May it take its place among the illustrious jurists who now look down upon us from these walls; shadows, indeed, but shadows are we all and shadows all depart.



Response *Response to presentation of Judge Grosscup's Portrait,*
by Judge *by Honorable Francis E. Baker, Presiding Judge.*
Baker

With profound thanks to the members of the Bar, the court accepts this most admirable portrait of Judge Grosscup and also your gracious words in estimate of his character and services. The painted likeness will adorn the walls of this room and the spoken words will be taken and preserved among the records of the court. And, in accepting these portrayals, the court is pleased to believe that their presentation not only is an evidence of your esteem for Judge Grosscup, but also is a token of the mutual confidence and respect that have always obtained between the members of this Bar and the members of this Court.

That Judge Grosscup possessed in an unusually full measure the cardinal attributes of a great judge—ability, patience, courage, integrity—is an open fact to all who know or will study the thousands of judgments, orders and decrees that make up his twenty years of judicial labors.

Taking this record as a whole, an almost unrivaled proof of judicial ability is shown, for rare indeed are the instances in which his judgments have not met the ultimate approval of the disinterested and capable. Many of the cases involved matters of vast public concern, hotly discussed at the time. In carrying out what he conceived to be the justice of the matter, Judge Grosscup exercised the courage that forges calmly and steadily ahead in the teeth of storms of clamor and criticism. In seeking the beneficent end, he may at times have chosen, of

two possible courses, the one that might subject him to criticism, while the slower and longer course might have been beyond any possible questioning. But in taking what he saw before him as the direct and speedy way, though new and untried, without a thought of balancing the appearances of alternative ways of attaining the same result, he demonstrated that he possessed a consciousness of judicial integrity that raised his soul above the passing storm clouds into the sunlight of eternal calm.

**Response
by Judge
Baker**

In the Traction Cases, for example, administered by him in the Circuit Court, certain orders looking to a reorganization of the companies and a rehabilitation of the properties were reversed by this court on appeal. The substance of the difference was that he believed that the owners and lienors of the old companies could be compelled by decree to accept what was in fact a most desirable settlement of a difficult situation, while the reviewing judges held that the existing rights of owners and lienors could not be cut off except by foreclosure decrees and sales thereunder. His was a direct and speedy way but it was found to be unauthorized by existing law. But throughout the record of these cases, it clearly appears that two large purposes were ever present in Judge Grosscup's mind. One was the properties as a unit should be held together and protected from dismemberment at the hands of an outraged city—the indignation of citizens and city officials being justified against the wretched condition of the lines and the service, but not against the innocent holders of stock and liens who, no less than the city, had

Response
by Judge
Baker

suffered from balloon-financeering—until, in a steady mood and after proper deliberation, an adjustment could be reached that should be completely equitable to the owners and to the city alike. The other purpose was that, in the shiftings of position that were bound to come as the result of the lawsuits, the smallest and weakest owner should have his rights guarded and his place in line assured no less thoroughly than those of the largest and strongest. These fine and beneficent purposes were ultimately accomplished. And the credit that is justly due for such worthy service should outweigh a thousandfold any disapproval of intermediate means.

In the art of expression, Judge Grosscup had few equals among the writers of law. No one can give out more than he has in him. And it was because Judge Grosscup first took in a clear, orderly, compact impression of the essentials of a case, that he was able to give out such a clear, orderly, compact expression. And at times a point, already developed in the words of the art in a forceful and unmistakable way, was illuminated and burnt into the mind by the use of a figure or an allusion that might well grace a poet's page. Instances abound throughout his opinions wherein sidelights from his reading or flowers of speech from his creative imagination, illustrate, perhaps more than they do his judicial qualifications, the equipment of the orator and the statesman.

But all the foregoing qualities of Judge Grosscup may be studied from the public records. It may not

be amiss to indicate some impressions that have been derived from ten years association in the intimacy of the conference room. No keener rapier than his was ever flashed in the conflicts of informal debate. What alertness of mind! What logical precision! What scholarly equipment, not only within the law, but throughout the realms of fact and thought! And yet, with all, what kindly consideration and loyal friendship for his associates! But above all else, stood out his trust in an Inner Voice. It was not enough that he should be able to check up his intellectual processes step by step and find no flaw in the result; he needed also, and perhaps, first, to feel intuitively that judgment accorded with conscience. For in his soul there dwelt a serene faith in the immortal destiny of man and man's communion with and accountability to a Divine Father.

**Response
by Judge
Baker**

We shall miss him from this bench. No words can adequately measure our feelings of loss. Wherever he may go, he carries with him our love and earnest wishes for his welfare. Whatever may be his future activities, whether at the bar, or in the forum, or among the associations for human advancement, he has our confidence that none more faithfully than he will strive to realize his ideals of humanity and of service.