

*Presentation of Portrait
and
Memorial Proceedings*

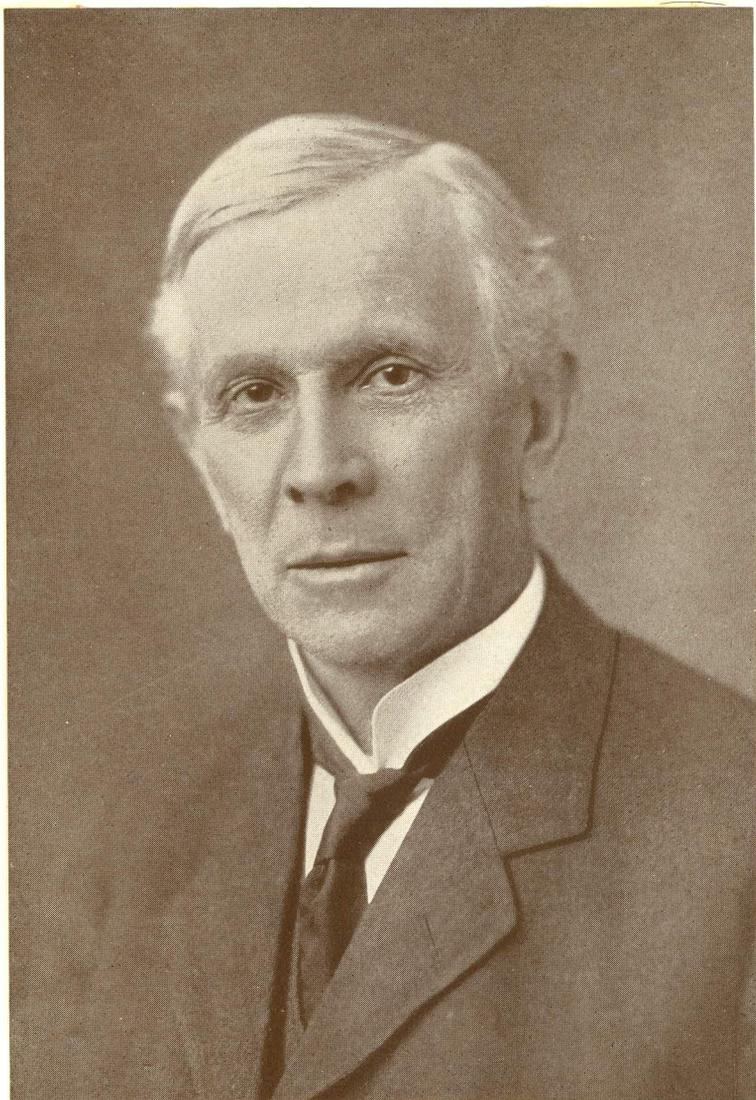
May Sixth and October Seventh,
One Thousand Nine Hundred
and Nineteen

Christian C. Kohlsaatt

United States Circuit Court of Appeals
for the Seventh Circuit

PRESENTATION *of the* Portrait *of*
the Honorable Christian C. Kohlsaas,
to the United States Circuit Court
of Appeals for the Seventh Circuit

Proceedings had on the Seventh
day of October, one thousand
nine hundred and nineteen





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 seventh day of October, 1919, of the October Term, in the year of our Lord one thousand nine hundred and nineteen and of our Independence the one hundred and forty-fourth year.

Tuesday
October
7, 1919

On Tuesday, October 7, 1919, 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. Julian W. Mack, Circuit Judge;
Hon. Samuel Alschuler, Circuit Judge;
Hon. Evan A. Evans, Circuit Judge;
Hon. George T. Page, Circuit Judge;
Edward M. Holloway, Clerk;
John J. Bradley, Marshal.

There were also present and sitting with the court:

Hon. George B. Carpenter, United States District Judge for the Northern District of Illinois.

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:

John S. Miller, Chairman

| | |
|---------------------|------------------------|
| Frank H. Scott | Mitchell D. Follansbee |
| Robert H. Parkinson | Lessing Rosenthal |
| Jacob M. Dickinson | Horace Kent Tenney |
| Stephen S. Gregory | Roy O. West |
| Charles A. Brown | |

presented to the court a portrait of the Honorable Christian C. Kohlsaatt:

| | |
|----------------------|----------------------|
| Wm. T. Abbott | Ralph R. Bradley |
| Albert H. Adams | Louis T. Breist |
| Elmer H. Adams | Charles A. Brown |
| Keene H. Addington | Frank T. Brown |
| W. T. Alden | Frederick A. Brown |
| Edwin M. Ashcraft | Taylor E. Brown |
| C. A. Atkinson | George T. Buckingham |
| Alfred S. Austrian | A. W. Bulkley |
| Benjamin C. Bachrach | Wm. H. Burgess |
| Edgar A. Bancroft | Clarence A. Burley |
| Frederick A. Bangs | William Burry |
| Thomas A. Banning | Charles S. Burton |
| Otto R. Barnett | Rush C. Butler |
| Wm. G. Beale | Otto C. Butz |
| Benjamin T. Becker | R. W. Campbell |
| Frank L. Belknap | Donald M. Carter |
| Wm. O. Belt | Walter H. Chamberlin |
| Cyrus Bentley | Justus Chancellor |
| John D. Black | Dwight B. Cheever |
| Gale Blocki | George L. Chindahl |
| Henry S. Blum | Wm. T. Church |
| Dwight S. Bobb | Axel Chytraus |
| Arthur H. Boettcher | Henry Lincoln Clapp |
| William P. Bond | Charles D. Clark |
| W. M. Borders | Henry Love Clark |
| Wm. C. Boyden | Chester C. Cleveland |

Howard M. Cox
 Ralph Crews
 Wm. Navarre Cromwell
 Charles S. Cutting
 Wm. B. Davies
 Brode B. Davis
 Clyde L. Day
 Donald Defrees
 Joseph H. Defrees
 Charles S. Deneen
 Homer T. Dick
 Jacob M. Dickinson
 Wm. H. Dixon
 Harry Lea Dodson
 Frank H. Drury
 Arthur F. Durand
 Arthur Dyrenforth
 W. H. Dyrenforth
 Albert N. Eastman
 Sidney C. Eastman
 Marquis Eaton
 P. B. Eckhart
 Arthur J. Eddy
 John G. Elliott
 George P. Fisher
 Gustave F. Fischer
 George A. Follansbee
 Mitchell D. Follansbee
 Wm. S. Forrest
 Colin C. H. Fyffe
 David B. Gann
 Barry Gilbert
 Louis K. Gillson
 Edward T. Glennon
 Elwood G. Godman
 Sidney S. Gorman
 Stephen S. Gregory
 Otto Gresham
 Jacob G. Grossberg
 William W. Gurley
 George I. Haight

Charles H. Hamill
 Harvey L. Hanson
 Charles F. Harding
 Louis E. Hart
 W. Knox Haynes
 Frank A. Helmer
 Charles W. Hills
 Nathan Haffenberg
 Charles R. Holden
 Charles S. Holt
 Walter S. Horton
 Francis J. Houlihan
 Frank A. Howard
 Morse Ives
 John L. Jackson
 W. Clyde Jones
 Henry H. Kennedy
 C. E. Kramer
 Adolf Kraus
 Florence King
 K. K. Knapp
 Walter M. Krimbill
 Francis A. Lackner
 Wallace R. Lane
 Blewett Lee
 John H. Lee
 John H. S. Lee
 Harry C. Levinson
 Salmon O. Levinson
 F. J. Loesch
 Will H. Lyford
 John E. MacLeish
 George W. Manierre
 Isaac H. Mayer
 Levy Mayer
 John H. McElroy
 Wm. B. McIlvaine
 Rex McKenzie
 Joseph L. McNab
 Clarence E. Mehlhope
 George P. Merrick

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|---------------------|--|
| Contributors | Carl Meyer Amos C. Miller John S. Miller Luther L. Miller John R. Montgomery Nathan G. Moore Clair E. More Charles B. Morrison Joseph W. Moses Harrison Musgrave Fred J. Newey Jacob Newman Glenn S. Noble Horace S. Oakley Charles K. Offield William S. Oppenheim George Packard Max Pam Francis W. Parker Francis W. Parker, Jr. Robert H. Parkinson John Barton Payne George S. Payson Henry Russell Platt Conrad H. Poppenhausen Gilbert E. Porter Thornton M. Pratt Edward Rector Frank F. Reed John T. Richards Robert W. Richards Henry S. Robbins Edward S. Rogers James Rosenthal Lessing Rosenthal Harry Rubens Wm. R. Rummler John S. Runnells Frank H. Scott Nathaniel C. Sears Ralph M. Shaw James M. Sheean Frank L. Sheppard Thomas F. Sheridan Andrew R. Sheriff Wm. P. Sidney Clarence J. Silber Edwin W. Sims Merritt Starr Philip Stein H. L. Stern Horace G. Stone Silas H. Strawn Horace Kent Tenney Charles S. Thornton Edgar B. Tolman Henry S. Towle Henry Veeder Henry W. Wales Franklin H. Warden Frank L. Wean D. S. Wegg Albert G. Welch Roy O. West Emil C. Wetten William G. Wheeler William W. Wheelock Russell Whitman Edward S. Whitney Frederick H. Wickett Russell Wiles George L. Wilkinson Arista B. Williams Lynn A. Williams John P. Wilson Garrard B. Winston Henry M. Wolf Leo F. Wormser John M. Zane |
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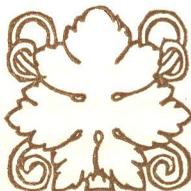
Mr. John S. Miller on behalf of the Committee and members of the Bar of the United States Circuit Court of Appeals for the Seventh Circuit, making the presentation, addressed the court as follows:

**Presentation
by Mr. Miller**

May it please the court: Before the business of the day is entered upon, I beg leave to say that a large number of the lawyers who were practitioners in his Court, have regarded it as their great privilege and pleasure to secure the making and to present to the Court a portrait of your late lamented associate, Judge Kohlsaat, to be hung with those of the other jurists who have sat here and whose portraits hang upon its walls. A Committee was selected consisting of Robert H. Parkinson, Stephen S. Gregory, Jacob M. Dickinson, Charles A. Brown, Frank H. Scott, Mitchell D. Follansbee, Charles S. Holt, Lessing Rosenthal, Horace Kent Tenney and Roy O. West, with myself as chairman. Acting not alone upon the best judgment we were able to exercise, but with the advice of others of knowledge and skill in such matters, the Committee engaged Mr. Ralph Clarkson, a painter of great distinction as a portrait painter, and we have here today to present to the court a portrait of our lamented friend which we believe to be entirely worthy of the distinguished subject—of the artist—and of a place among the others which look down here upon us today.

Our meeting here to day is not for the purpose of recalling at any length and testifying to the great virtues and qualities which distinguished our lamented friend, and which were so well recognized. Such an appropriate meeting has already been held. It is proper, however, as we are now met to speak

Presentation a few words of the thoughts of him that come to us
by Mr. Miller on this occasion and arise as we look upon his por-
trait. A few of us seniors knew him so long and so favorably as neighbor and friend—as husband and father—as a lawyer and judge. Judge Kohlsaat was made of strong, straight-grained timber. His long life and its activities in every relation, showed this sterling quality. We are sure your honors will be glad to hear a few words appropriate to this occasion from Mr. Frank H. Scott, and Mr. Charles A. Brown, who have long been members of the bar of the Court in different fields of the practice, and are members of our Committee.



Mr. Frank H. Scott addressed the court as follows:

Address
by
Mr. Scott

May it please the court: But few words need to be said in performing the grateful duty which has been assigned to me by the members of the Committee.

At the last term of this court there was spread upon its records a written memorial to Judge Kohlsaas, and the Presiding Justice, and representatives of the Bar of this Circuit expressed in fitting terms the high esteem and affectionate regard in which he was held. To-day we are here to present to the Court his portrait, in order to preserve for ourselves and for those who may hereafter sit upon this bench and practice at this Bar, a visible memorial of the nature of the man; for truly, the face and features of Judge Kohlsaas accurately reflected the kind of man he was. They revealed the simplicity and directness of his nature, his kindness, his thoughtfulness, the instinctive recognition of what was right and just—all in fact, that went to make up the character of the man as we knew him.

For more than half a century Judge Kohlsaas practiced law, or administered it from the Bench, in this community. For more than forty years of that time, pursuing the same profession, I knew him, first as a practicing lawyer, and then successively as Probate Judge, and a member of the Federal Bench, and I knew his relations to his fellow members of the Bar. In that time radical changes have come to pass, in social and industrial life, and they have been reflected in a marked degree in changes in the practice of the law—in a greater degree I am sure than any of the newer generation can realize.

Address The kind of achievements which marked men as
by leaders of the Bar at the time when Judge Kohlsaas
Mr. Scott entered upon the practice of the law, were not the
same as they were when his career was closed by
death. But throughout all those years, the measure
which determined the place held by members of our
profession in the respect and esteem of their fellows,
did not change. That measure was character.

Judge Kohlsaas, throughout all his career as a
practicing lawyer, as Probate Judge, as District
Judge, and as a member of this court, deservedly
held in a high degree, the respect of members of the
Bar, and the affection of those who knew him best.

In this last public appreciation of Judge Kohl-
saas's work, I think a word should be said as to his
service for nine years as Probate Judge of Cook
County. In administering the affairs of that court,
a judge leaves no record written upon the pages of
law reports. All knowledge of the merit and value
of his work disappears with the passing of those who
came in contact with it. But the care, the faithful-
ness and the degree of conscientious devotion with
which the duties of the judge of that court are
discharged, is recorded and reflected in the results
upon the lives of those whose interests are com-
mitted to its care. We who have been familiar with
the history of that court from the time it was estab-
lished, recognize how singularly fortunate this
county has been in the standard of service all its
judges have measured up to, and never has it earned
and held the confidence and grateful appreciation of
this people more than when its affairs were admin-
istered by Judge Kohlsaas.

When hereafter we come into this court room, and our eyes rest upon this portrait of Judge Kohlsaat, the memories of him which it will recall to us will be pleasant ones. For while he maintained, with complete simplicity, the dignity of the court, he did not fail of consideration and kindness to the lawyers who appeared before him. He possessed as a man, and exhibited as a judge, absolute intellectual honesty, unembarrassed by pride or opinion. And so he listened patiently, and with an open mind, ready to be convinced by the better reason, whatever his first impressions might be. Upright himself, in the highest degree, it was as natural for him to see where was the right and justice of the particular case before him for decision, as it was for him to do right, and be just, in his relations with his fellow men. And seeing the right and justice of the case, in so far as it was possible to do so without violating legal principles, he decided accordingly, unaffected by subtle refinements, or mere technicalities.

Address
by
Mr. Scott

We present this portrait of Judge Kohlsaat, to be hung as a permanent memorial upon the walls of this court room, with a sense of satisfaction, which we know will be shared by you, his former associates on the bench, in receiving it.

Address *Mr. Charles A. Brown addressed the court as follows:*
by
Mr. Brown

May it please your Honors: I shall in a few words, attempt to express, particularly on behalf of the Patent Bar, the deep and sincere regard in which we hold the memory of Judge Kohlsaat whose portrait is presented to-day to this Court.

We who knew him need no assistance to keep his memory fresh in our minds. His kindness, his integrity, his patience, his judicial acumen, his fairness and his genial humor have wrought themselves into the figure of a man and a judge, fixed permanently in our memory and "grappled to our hearts with hooks of steel."

Of all the notable men who have sat upon the Federal Bench here and whose portraits continue from these walls the admonition and inspiration of their noble lives, I remember none who appealed more strongly to the affectionate and admiring regard of those who came in contact with him than did Judge Kohlsaat.

We of the patent bar learned not only to esteem and trust him, but to have high respect for his judicial qualities.

In the abstruse and bewildering technicalities of scientific questions with which our practice has largely to do, it is not strange that minds not specially trained along those lines may, if attempting to grope their way unaided, become hopelessly lost, and if following the guidance of one side or the other, be misled by plausible but specious arguments.

It was a distinction of Judge Kohlsaat's that the clearness of his mental vision saved him from both

errors. By a sort of judicial intuition he was able to select the true from the false, even in matters concerning which he was obliged to depend on secondary information. But above and beyond his qualities as a judge, distinguished as they were, shone the beautiful attributes of the man.

Address
by
Mr. Brown

Through all the vicissitudes of a strenuous life he carried, unsullied and unwasted, like the precious contents of a Holy Grail, the firm and abiding belief in the power of right and the efficacy of a lofty ideal.

Happy in his domestic life, adored by his family, loved by his neighbors and troops of friends, respected far and wide, wherever his reputation was known, devoting himself to congenial and distinguished service to his country, what human life, that "vision between a sleep and a sleep" can present a more complete and perfect picture.

Now we would perpetuate, not so much for ourselves as for those who come after us, the memory of that spiritual nature which shone forth from the serene features we knew and loved so well.

Recollections of him, fresh and vivid in the minds of all who knew his qualities, will not be allowed to cease their inspiration for generations yet unborn, and all these recollections, to us and to those who follow, are at once the proclamation and the proof of the faith which was his, that

"There is surely a piece of divinity in us; something that was before the elements, and owes no homage unto the sun."

Response *Response to presentation of Judge Kohlsaats Portrait,*
by Judge *by Honorable Samuel Alschuler, Circuit Judge.*
Alschuler

We accept with sincere appreciation and deepest gratitude your tender of this very excellent likeness of our much loved departed brother. Surely the limner has "touched the canvas into life," and this faithful reproduction of his features, together with this morning's not less life-like word-portrayal of him, makes us realize the more that Judge Kohlsaat is indeed still with us. And here shall he abide—not momentarily or intermittently, but always—in the hearts of those who in life's closer association with him have had the benediction of his wholesome companionship, his wise counsel, and his ever considerate and courteous contact, and in the world at large, to which he left a rich legacy in the enduring record and example of his well lived life.

With the other portraits upon these walls, this one, in every way well worth of full fellowship in that most estimable and distinguished company, will have place, a continuing stimulus to us all, to right living, right thinking, and right doing.

Resolutions and Memorials

presented to the United States Circuit Court of Appeals for the Seventh Circuit, at Chicago, on the 6th day of May, A. D. 1919, 10 o'clock a. m.

Honorable Charles S. Cutting, on behalf of the Chicago Bar Association, addressed the Court as follows:

CHRISTIAN CECIL KOHLSAAT was born in 1844 on a farm in Edwards County, Illinois, where his father had settled in 1835. He was the son of Reimer Kohlsaas, an officer in the Danish Army under King Frederick VIII, and Sarah Hall Kohlsaas, who came from England at about the time of admission of Illinois into the Union. In 1854 the family removed to Galena in this State, where Judge Kohlsaas obtained his boyhood education, which was later supplemented at the old University of Chicago in this city. He was entirely dependent upon his own resources for his legal education, which he attained in the law offices of Gallup & Hitchcock and Skates, Bates & Towslee, earning, meanwhile, what he could as law reporter for the Chicago Evening Journal. He afterwards succeeded Norman T. Gassette as record writer in the County Court of Cook County, which was then presided over by Judge James B. Bradwell. He was admitted to the Bar in September, 1867, and acted as engrossing clerk in the Illinois Legislature during the session of 1871 and 1872, immediately succeeding the adoption of the new Constitution. The industrious habits acquired during his boyhood and early youth well served him here, since the flood of new laws and the revision of old ones at this session of the Legislature made the duties of his position arduous and exacting.

The great fire of 1871 occurred during his engagement at Springfield, and at the close of the legislative session he returned to the devastated city to take up as best he might the practice of the law, and during the years immediately succeeding was associated with Judge Frederick A. Smith, now of the Circuit Court of Cook County, and was later a member of the firm of Ward, Stanford & Kohlsaas.

His first public office came to him in 1884 when he was appointed one of the Commissioners of the West Parks of this city, and from 1884 to 1889 he was very actively engaged in the duties

**Memorial
of The
Chicago Bar
Association**

**Memorial
of The
Chicago Bar
Association**

thus devolved upon him. Even at that early date he was a staunch and consistent advocate of the boulevard system of which Chicago is now so justly proud, and one of the first supporters of a comprehensive outer park system and forest preserve, which came into being only in the very last moments of his life.

Another project which he heartily supported was the creation of small parks as playgrounds for the children. Many of these are now to be found in the residence districts of this city where, when he was made Park Commissioner, there was no thought of such improvements.

While actively engaged in the practice of the law in the early part of 1890 he was appointed by Governor Fifer Probate Judge of Cook County to succeed the Honorable Joshua C. Knickerbocker, who had recently died, and in November of that year he was elected to that office. He was re-elected in 1894 and again in 1898. After serving nine years in this Court he resigned his commission, having been appointed District Judge for the Northern District of Illinois to succeed Judge Grosscup, who had been made Circuit Judge by President McKinley. The record made by Judge Kohlsaat in the Probate Court of Cook County was a notable one. His unceasing diligence in the performance of his duties kept the business of that overburdened court well up to date. His kindly manner, his careful and painstaking regard for the rights of the bereaved and the unfortunate, as well as his thorough knowledge of the law and practice in Probate, won for him a most enviable reputation among the people of Cook County. So widespread was this feeling that in 1894 the Daily News of this city, in speaking of his unopposed election, said: "Amid all the criticism and crimination leveled at men from the President of the United States to the candidates for State Representative in county precincts, one distinguished figure has been absolutely unassailed; one man, and he a candidate for a most important office, has stood apart from the attacked and attacking throng. So far as the Daily News is aware, not a word of opposition to the candidacy of Judge Christian C. Kohlsaat for re-election to the Probate Bench has been uttered."

From February, 1899, to March, 1905, he held the District Judgeship in the Northern District of Illinois, and on the latter date he was made United States Circuit Judge for the Seventh Circuit by President Roosevelt, which position he held until the date of his death on May 11th, 1918.

The same fine personality, the same regard for the performance of duty, the same sympathy for the bereaved and the afflicted which had so characterized his administration in the Probate Court came with him to the performance of his important duties as a Federal Judge. For almost twenty years he faithfully and ably filled these important judicial positions in the Federal Courts, and died as he had lived, worthy of the love and respect which was universally accorded him by the people, the Bar and the Bench.

The same energy and industry which characterized Judge Kohlsaat's administration of the duties of the Probate Court were applied by him to the congested calendars of the District Court, and the accumulated business of that tribunal was thereby greatly reduced and the ability of litigants to obtain speedy trial greatly increased. He brought to the Bench, both as a District Judge, as a Judge of the Circuit Court and of the Circuit Court of Appeals, a careful and painstaking ability, an open-mindedness, a willingness to listen, and an ability to decide, which were highly judicial in their character and which gave even to the defeated litigant the impression of fair and impartial treatment.

It has long been the dream of patriotic Americans that there would come in fact what they have long contended for in theory,—the undoubted and unhyphenated American from foreign stock. Though his ancestors owed allegiance by birth to European sovereigns, Judge Kohlsaat, born in the State of Illinois, in the United States of America, permitted no affection for them to dilute his Americanism. With a kindly and sympathetic regard, he viewed the alien races from which he sprang, but his allegiance, like his birthplace, was absolutely American.

He was to all intents and purposes a product of this city. Coming here in his early manhood, he made his home within its limits and here he married and his children were born. The growth of Chicago and her well-being were always near his heart. The Bar of this city were his friends, and it needed but an observation of his reception at any meeting of the Bar to show how closely he was held by its members and in what love and esteem the lawyers of Chicago viewed his distinguished services and character.

He was a man of quiet tastes, of unobtrusive personality, but adamant in the performance of his duty. He was active in civic, educational and philanthropic matters, possessed of a progressive spirit and an unconquerable desire to better the conditions of men and improve society.

He was a Trustee of the Young Men's Christian Association, of the Mary Thompson Hospital and the Second Baptist Church of this city, and a former president of the Union League Club. For years he had been President of the Board of Trustees of Lewis Institute.

He was singularly happy in his domestic life. In 1871 he married Miss Frances Smith, daughter of one of Chicago's oldest settlers, and she and their four children—Mrs. Willard W. Jaques, Mrs. Harry L. Wells, Miss Edith Kohlsaat and Edward C. Kohlsaat, a practicing lawyer of this city—survive him. His family life was ideal and he passed no happier days, though he was crowned with many honors, than those that came to him under the trees in his beautiful summer home on the banks of Lake Geneva where, with his family, he lived the simple life that was so in accord with his temperament and his taste.

Not only the Court which he had long honored, but the city, the school, the church and the family, have suffered irreparable loss in the death of the able jurist, a loyal citizen, the conscientious and painstaking trustee, the kind husband and devoted father.

**Memorial
of the
Bar of the
State of
Wisconsin**

Mr. Stephen S. Gregory, on behalf of the Bar of the State of Wisconsin, addressed the Court as follows:

If the Court please: The State of Wisconsin is a great State and has had a fine Bench and Bar. The names of Luther S. Dixon, Edward G. Ryan, Matthew Hale Carpenter and William F. Vilas would adorn the judicial history of any community.

I regret, therefore, that the Bar of the State in which I spent my youth, where I was educated and admitted to the profession, and where for a few years I practiced before coming to this city to make my home, is not more adequately and appropriately represented here today.

An effort was made to secure such representation; but when yesterday it was learned that this was unsuccessful, upon the request of the Chairman of the Committee, I consented to fill to the best of my ability the place thus vacant and to speak, in a measure, for the Bar of that state.

The first Federal Judge of this district was that sterling and upright character, Thomas Drummond, appointed in 1850, when the state constituted but one judicial district. The Southern District was created in 1855, leaving this as the original district, with Judge Drummond as its first judge.

In 1869 he became Circuit Judge, and Henry W. Blodgett, one of the most efficient and capable judges I ever knew, succeeded him. He was followed in 1892 by Judge Peter S. Grosscup, so well known here that to do more than refer to him now would be quite superfluous.

Judge Kohlsaas, as has been said, succeeded him in 1899. He was taken from us but a year since; so that the judicial activities of these four judges span a period of 68 years and the life of him whose long and faithful service we here commemorate, more than covered this entire period. And what a wonderful time in the history of this country and of the world this has been.

In 1844, the year of Judge Kohlsaas's birth, our continental population was hardly 20,000,000. Now it is 110,000,000; our railway mileage was practically nothing; it is now over 250,000 miles, which is more than that of all Europe, and our growth in trade, manufactures, finance and national wealth is still more impressive.

Within that period came the discovery of gold in California, the great struggle over slavery, the Civil War—when it was waged, the greatest armed conflict that history had ever recorded; the destruction of slavery, the projection into the profile of history of the colossal figure of Abraham Lincoln, the acquisition of Alaska and our inland dominions, the freedom of Cuba and the frightful world convulsion beginning in 1914 and not yet terminated, which has blanketed and obscured great events that might otherwise have well crowded the pages of history for a much longer period.

A wonderful age, big with great events, the precursors of what we can not now know. It was not given to us here, perhaps, it was not permitted to him whose loss we mourn, to take a leading and commanding part in this great and overwhelming epic.

Yet, through it all, he played an honorable and worthy part.

In his career from humble beginnings to a high position of great power and dignity in the tribunals of the nation, he illustrated the best traditions of American life and that in a high and just sense the Republic is opportunity.

In many respects he was a judge of remarkable capacity for the dispatch of judicial business. In all administrative work, both in Probate and in the District Court, he decided quickly, justly and sensibly.

If sometimes he appeared to reach his conclusions slowly, it was in important and difficult matters, where his sense of responsibility and his solicitude to be right induced him to great consideration.

He was not a talking judge. He said but little on a hearing and confined his observations closely to the matter in hand. He seemed neither to court nor to shun publicity, nor, so far as his judicial attitude was concerned, was it ever apparently in anyway dictated or even suggested by press comment, favorable or unfavorable. Indeed he was seldom much mentioned in the newspapers.

He was a merciful judge. The great test of a man's character is the manner in which he exercises power. If in this he is tyrannous, harsh and cruel, he is unfit for judicial office, and can by no possibility make a good judge.

When it became necessary to inflict punishment, Judge Kohlsaet strove earnestly and conscientiously to deal justly by the accused. He seemed to realize that even men convicted of guilt, are still human and that justice, tempered with mercy, is the highest ideal for a judge.

He had a strong hold on the Bar, and when there was a vacancy on the Circuit Bench, the leaders of our Bar and the rank and file as well came forward almost as one man in his support, and fairly carried him to his well-earned promotion.

There is an explanation for this. Every one who practiced before him, yes, every one who observed his judicial conduct, felt an abiding confidence in the absolute rectitude of his purposes and in his sincere desire, without fear or favor, without regard to any considerations merely personal or adventitious, to do that which was just and right, and which duty and his conscience demanded. Without this quality a judge may be as learned as Coke or Bacon, as lucid and profound as Marshall, he may command

**Memorial
of the
Bar of the
State of
Wisconsin**

a judicial style as impressive and eloquent as that of a Miller, a Bradley or a Ryan, but lacking this one thing needful, his judicial career will be a failure; and this could never be said of that of our departed brother.

Integer vitae scelerisque purus he was. And beyond that he was a just, upright and merciful judge.

I had known him upwards of forty years. I had practiced before him and to some extent before each of his predecessors. I feel the loss which has come to the Bench and Bar in his death; and as the circle of the companions of my early years at the Bar narrows rapidly, I feel an added sense of personal loss and bereavement in that I shall never see again one whom I had known long and well, and whose kindly nature bound to him all who came within its influence, by the golden ties of enduring friendship and esteem.

He has but gone before. May the recollection of his simple manly nature and his long, honorable and useful service abide with us all, as an enduring memory and an ever present inspiration to the higher and better things of life.

**Memorial
of the
Illinois
State Bar
Association**

Mr. Horace Kent Tenney, on behalf of the Illinois State Bar Association, addressed the Court as follows:

I have been asked by the Illinois State Bar Association to address the court on its behalf upon the presentation of these memorials to Judge Kohlsaas. For the the court and for the Association I could wish that the choice had fallen upon one better equipped by nature and by training adequately to fulfill this duty. But to myself I cannot deny, nor would I cloak from others, the gratification which the opportunity affords me. For, while on these memorial occasions our thoughts are tinged with sorrow, yet the dominant element may well come from the pleasure with which grateful and loyal memory can fill the treasure house of our thoughts. And of this dominant element I personally have today a happy consciousness.

Through a tale of years whose beginning is at the same time dimmed and brightened by distance, it has been my good fortune to receive from Judge Kohlsaas the helpful steadying influence which an older practitioner and judge often unconsciously exercises over his juniors. I recall many times when a friendly word, sometimes an appreciative comment, helped to renew my confidence and dispel the discouragements which dog the footsteps of the lawyer. And, while he had a happy faculty of making it appear otherwise, I soon learned that in this there was nothing personal to me. It was but the outward, the unspoken manifestation of a nature whose kindness was all-embracing.

He liked young lawyers. He looked upon them and treated them with confidence and not with suspicion, or with the disdainful acrimony of superior knowledge and official position. He

knew that from their ranks were to be recruited all who serve in the cause of justice both at the Bar and on the Bench. He increased their confidence in themselves, and their confidence in the Court; and by so doing elevated their standards of professional effort and conduct, and added to the effectiveness of his court by making their work truly co-operative with his own.

**Memorial
of the
Illinois
State Bar
Association**

He knew that the law was not a mere abstract list of rules, but a human institution wrought by men for the guidance of men, to be interpreted and enforced by men; and that it could not, in the spirit of its interpretation and enforcement be separated from the humanity which underlies it.

But while he was the friend of all men, in his judicial work he was the friend of no man. He viewed no litigant with the prejudice which either suspicion or friendliness might engender. He knew the truth of the saying that "the law is wiser than any judge," and recorded it in his judgments. He knew that it was his duty to try the case and not the man, and with unswerving fidelity he applied the law to the case and not to the individual.

When we lose one in whom these qualities are united with such well balanced poise, we cannot dispel the keen regret which his loss makes inevitable and enduring. But we may temper its sharpness by a feeling of gratitude for the good fortune which placed him on the Bench; for the long period in which the public was benefited by his service; and for the fact that we were associated with him, and perchance assisted him in a work, the full performance of which is a monument to him, a pleasant memory for us.

Mr. John W. Hill presented the following memorial resolutions of the Patent Law Association of Chicago:

**Resolutions
of
Patent Law
Association**

Once more we are called upon to exercise the sad privilege of presenting to this Honored Court our feelings of great personal loss in removal by death of one of its most esteemed and beloved members. The Honorable Christian C. Kohlsaas has passed on to the reward of a just and upright man and judge—a life of distinguished and faithful service to his city, his state and his country.

The high esteem in which he was held by the Bar generally will be expressed by others. The high regard in which he was held as a friend and as a judge, by his associates on the Bench, can only be expressed by those who remain.

The members of The Patent Law Association of Chicago had the opportunity of becoming especially acquainted with Judge Kohlsaas's merits as a chancellor since most of the cases with which we are connected are brought on the equity side of the court. Here we had abundant opportunity for observing the fidelity with which he considered every question and the conscientious

**Resolutions
of
Patent Law
Association**

and untiring energy and patience with which he sought to acquaint himself with the merits of every case brought before him.

When Judge Kohlsaat came to the Federal Bench, he came from the Probate Court of this county, which important branch of the law and the arduous duties in connection therewith had monopolized his attention for several years.

The important questions involving beside a new branch of the law, complicated problems in mechanical, electrical and chemical fields, and matters relating to patents, trade-marks, copyrights, unfair competition in business, and kindred subjects, were, for a time at least, apparently burdensome to him. But the systematic, painstaking and conscientious manner in which he took up those duties, and his ability in reaching down and grasping the salient points involved, quickly gained for him the confidence and esteem of those who came before him. In a comparatively short time he had mastered the intricacies of this, to him, unfamiliar branch of the law, and his decisions soon ranked high with those of other judges distinguished in this particular practice.

His courtesy, kindness and patience were unailing. No one could come in contact with him without being drawn to him.

Inexperienced lawyers were put at their ease by his kindness and were thus able to present their case in their best manner. Older and more experienced lawyers, while accorded the same kindness and courtesy, became quickly impressed with the fact that the dignity of the Court was not to be trifled with and that the ethics of the profession must be observed.

His strict integrity, his solicitude to ascertain and administer justice, his studious consideration, and his judicial discernment, became generally recognized. His decisions, reached after an earnest endeavor to inform himself concerning the facts and law, expressed the honest convictions of his heart. Those who came much in contact with him realized the charm of his personality and learned to respect, trust and love him.

"He needs no commendation from anyone as 'his works do follow him.'"

THEREFORE, BE IT

RESOLVED, That we cherish the memory of Christian C. Kohlsaat as a judge, a lawyer and a citizen, who devotedly and wisely served, and conferred distinguished honor on, bench and bar, on his city, state and country.

RESOLVED, That the members of The Patent Law Association recognize, and deeply feel, their personal loss in the death of one whose uniform kindness and courtesy on the Bench and in all their relations with him—professional and personal—had endeared him to them by sentiments of affection and esteem.

RESOLVED, That the United States Circuit Court of Appeals, of which Judge Kohlsaat was an honored member, be requested

to spread this memorial upon the records of the Court, and that it transmit a copy thereof to the bereaved family.

THE PATENT LAW ASSOCIATION OF CHICAGO,

By John W. Hill,
George P. Fisher,
Otto R. Barnett,
Robert H. Parkinson,
Louis K. Gilson,
Committee.

**Resolutions
of
Patent Law
Association**

Response on behalf of the Court by Honorable Francis E. Baker, Presiding Judge:

**Response by
Judge Baker**

One more shuttle in the loom of time is lost; one more thread that intertwined with ours is broken.

Four times within what seems to me a scanty stretch of years, on occasions of departure from this Bench by retirements or by death, we have met to pay our tributes of respect. In the resolutions and addresses you present I take it that the purpose is not that we should inform each other of the bases for our admiration and esteem. That would be unnecessary even in the case of those who had but a slight acquaintance with the life and character of Judge Kohlsaas. It is not that we should attempt to find solace for our grief in expressing our affection. Only silence and time can heal. It is rather that in the flood of years, as generations crowd upon each other's heels, and as long as our judicial institutions shall endure, there may be found a memorial as lasting as we can make it, from which those who come after us may draw inspiration for devoted service to orderly government under just and equal laws, the life-blood of our civilization. To that end the proceedings of today will be spread upon the permanent records of the Court and be duly published.

Judge Kohlsaas's judicial qualifications have been most admirably portrayed in the resolutions of the Bar Associations and in the addresses of Mr. Gregory and Mr. Tenney. It is gratifying but not surprising to learn that his integrity, his wisdom, his courage, his patience, his courtesy, his modesty, were as generally recognized among the members of the Bar as they were absolutely known by us from close association in the work of the Bench and the conference room. I can undertake to add nothing but a few personal and intimate impressions of the judge and the man.

For years before he took up Appellate work I had been well acquainted with his work as a trial judge. What impressed me most was "his infinite capacity for taking pains," which, I believe, was Garfield's definition of genius. He was a persistent and faithful worker. His qualities as a student of abstract law, as a philosophizer concerning the origin and development of legal principles, were overtopped by his excellence as an administrator, a

**Response by
Judge Baker**

dispatcher of business, an applicator of practical justice. And thus he made a record that is notable not only for the character of his judgments, but also for the orderliness and speed with which the business was transacted, so that no suitor was denied a prompt hearing. He was a worker and a builder. He gave his toil and his life to the maintenance and upbuilding of the foundations of our civic structure just as certainly and with as little regard for aught but fulfilling his destiny as did the coral insects in giving their toil and their lives to the upbuilding of the foundations of islands and continents.

As to Christian C. Kohlsaas, the man, I wish I could make you see him as I saw him during seventeen years of intimate association. In his home in this city I found the devoted husband and father; at neighborhood gatherings of a literary society at his house I observed his cultured and genial hospitality; at his church I realized his solemn faith in the Fatherhood of God and the Brotherhood of Man. Always and everywhere I found in him a loyal friend. With my family I have sojourned with his family and him at his beautiful home at Lake Geneva. I have seen him in his garden happily attending to trees and shrubs and flowers planted with his own hands. I have seen how he loved Old Mother Earth. I have seen him with little children, and how he loved them and how they loved him, and I came to understand that he loved all created beings and things because behind them and through them he saw the great Creator. With him religion was not a profession of words; it was the most vital part of his consciousness. It kept his mouth pure and his heart and his hands clean. He honored the commandment "Thou shalt do justly; thou shalt love mercy." Sublimier faith than his has no man had since Enoch walked with God.

