

*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

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
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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 Kohlsaats 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 Kohlsaet, 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 Kohlsaet'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

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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 kindliness 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.

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

When Judge Kohlsaas 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. Kohlsaas 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 Kohlsaas 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.

