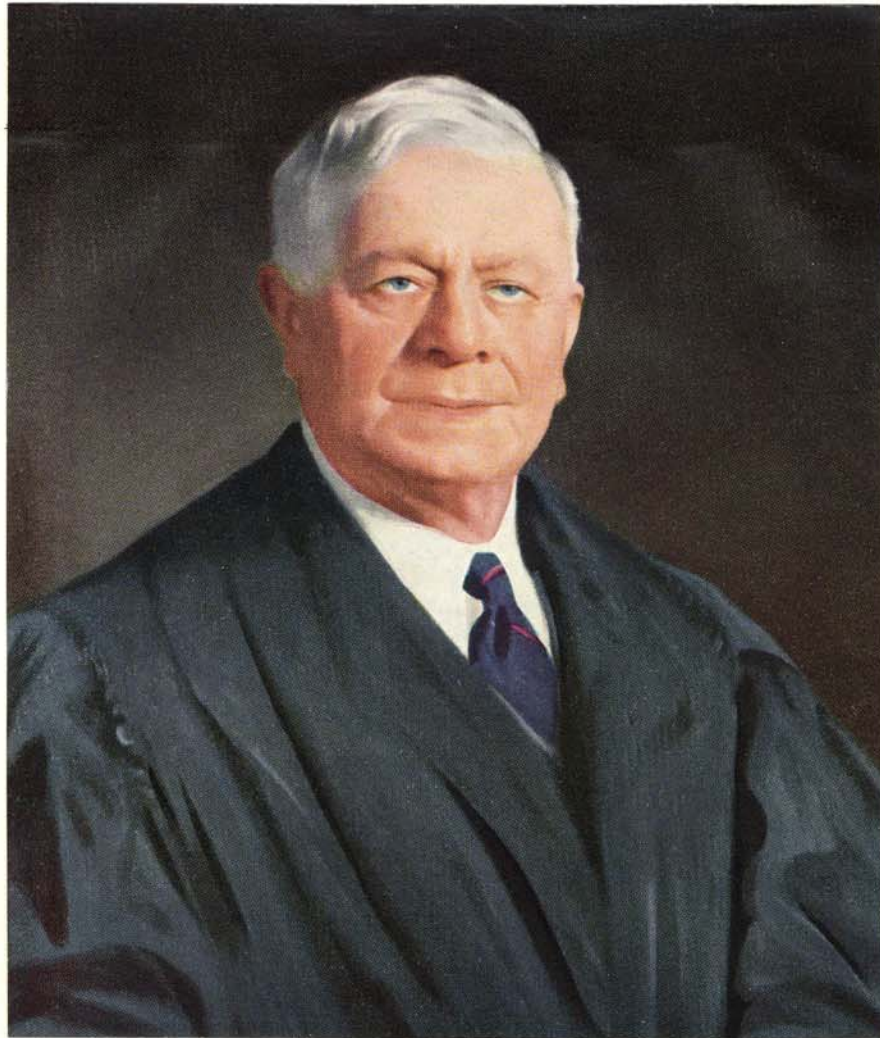


The Honorable  
Samuel Alschuler

In Respect to the Memory  
of  
The Honorable  
Samuel Alschuler



Proceedings had on the Fourteenth Day of October  
One Thousand Nine Hundred and Forty  
*Before the*  
United States Circuit Court of Appeals  
for the Seventh Circuit



Hon. Samuel Alschuler

*Painted by Leopold Seyffert*



At a regular term of the United States Circuit Court of Appeals for the Seventh Circuit, held in the City of Chicago, and begun on the First Day of October, in the Year of our Lord One Thousand Nine Hundred and Forty, and of the Independence of The United States of America the One Hundred and Sixty-Fifth.

On Monday, October 14, 1940, the Court met pursuant to adjournment, and was opened by proclamation.

Present:

Hon. Evan A. Evans, Circuit Judge, Presiding;  
Hon. William M. Sparks, Circuit Judge;  
Hon. J. Earl Major, Circuit Judge;  
Hon. Walter E. Treanor, Circuit Judge;  
Hon. Otto Kerner, Circuit Judge;  
Kenneth J. Carrick, Clerk;  
William H. McDonnell, Marshal.

There were also present and sitting with the Court:

Hon. Walter C. Lindley, District Judge;  
Hon. Thomas W. Slick, District Judge;  
Hon. Charles E. Woodward, District Judge;  
Hon. John P. Barnes, District Judge;  
Hon. Philip L. Sullivan, District Judge;  
Hon. Michael L. Igoe, District Judge.

## Memorial Resolution

*Mr. George I. Haight, of Chicago, Illinois, on behalf of the members of the Bar of this Court, addressed the Court as follows:*

The Bar of this Court asks leave to present the following:

RESOLVED, That the members of the Bar of the United States Circuit Court of Appeals for the Seventh Circuit desire to express their regret at the death of Samuel Alschuler, late Judge of this Court, and to record their appreciation of his high character and of his outstanding service to his State, his Country and his Fellow Men.

Judge Alschuler was the eldest son of Jacob and Caroline Stiefel Alschuler. He visited their birthplace in 1889. It was the little village of Gruenstadt in the Rhenish Palatinate, not far distant from Munich.

Samuel Alschuler was born in Chicago, Illinois, on the 20th of November, 1859. In 1861 (the year the Civil War began), the father, mother, Sam and his sister Clara moved to Aurora, Illinois. In Aurora three sons, Edward, George and Benjamin, were born unto his parents. Of these, Benjamin and Clara survive.

During Judge Alschuler's childhood, his father operated a cotton batting mill at Montgomery, on the Fox River. While attending the primary grade school, among young Sam's jobs was the delivery of these "batts" to local customers. During all of

his school days he worked at various tasks outside of school hours.

His entire formal education was obtained in the grades and in the Aurora High School. He was not only a bright pupil in curricular subjects, but he was also one of the outstanding high school debaters. He learned to think on his feet. There was much of educational value in the customary Friday afternoon recitations of inspiring literature and the debates on timely subjects.

At the age of sixteen, he left High School. This was before his senior year. He then took the employment of driving a grocery wagon. Following this he clerked in clothing and other stores. When eighteen years of age, he became a bookkeeper. Though he did his work well, neither clerking nor bookkeeping appealed to him. He entered upon the study of law in the office of Capt. A. C. Little. Prior to the Civil War, Captain Little had successfully practiced medicine. He enlisted in the Union Army in 1861. At the war's close, he took up the legal profession and became an outstanding lawyer. He married Bonnie Snow, one of Samuel Alschuler's High School teachers. Through the youthful Sam's fine impression upon Captain Little, and the favorable assurances of Mrs. Little respecting his high qualities as a student and debater, he gained a place in Captain Little's law office in Aurora. After a period of study, he was admitted to the Illinois Bar in 1881, at the age of twenty-two. For twenty years thereafter he followed his profession in Aurora. His practice was general and varied. He represented none of the railroads and none of the larger Aurora

industries. He was frequently a plaintiff's lawyer—and established a high reputation as a trial lawyer.

From 1893 to 1896 he was a member of the State Commission of Claims, performing this public service without serious interference with his professional work.

From 1896 to 1900 he was a member of the Illinois House of Representatives. There he was a leader in opposition to the Allen Bill and to the Humphries Bill.

In 1900, he was the Democratic nominee for Governor of the State of Illinois. Many are now living who can recall his candor, his persuasiveness and his ability as an orator in that campaign. Until he became a Judge, he was much in demand for occasional addresses and as an after-dinner speaker. This he largely discontinued when he entered upon judicial office. Then, and always, the people of Aurora, and their newspapers, called him "Our Sam". It is significant that he was always known to everyone of any measure of personal acquaintance as "Sam".

While in Aurora, he was a leader in all civic undertakings. He was then, and throughout his life, in all things, trusted.

About 1881, Samuel Alschuler was joined by John C. Murphy under the firm name of Alschuler and Murphy.

In 1901, he became a member of the Chicago law firm of Kraus, Alschuler and Holden. It was made up of Adolph Kraus, Samuel Alschuler and Charles

R. Holden. In their large, broad and successful practice he took a very important part. Always he had been a hard worker, keenly observant, highly intelligent, and fair in his undertakings.

A consideration of his personal charm, his intellectual and his moral qualities, his industry, his instinctively good judgment, his tolerance, his courtesy, his natural sense of justice, and his breadth and depth of experience, suggests why he was appointed by President Wilson to this Court on August 16, 1915. In 1925, he became the Presiding Justice, and so remained until December 1, 1934, when, because of ill health, he turned over his duties to Judge Evan A. Evans.

The first case in which he wrote the opinion for the Court was *In re Footville Condensed Milk Co.*, 229 Fed. 698, decided January 4, 1916. During his service, he wrote over 500 opinions, of which 18 were dissents. These opinions relate to all fields of the law. In them his humanity and his practical understanding of affairs plainly appear. An outstanding service performed by him, not as a Federal Judge, but as an arbitrator, related to the Packing House Labor dispute in 1918. For this he was selected by the U. S. Secretary of Labor. His good work in this was highly commended—not only by the public, but by all of the parties.

In this resolution we do not analyze any of his many important opinions. They show definiteness of understanding of the issues. They evidence a knowledge of the facts, gained by searching study and attention. They disclose a true, practical



knowledge of principles. These are applied with clarity and without the pedant's strain of fitting. They are expressed with that simplicity which usually has the greatest inherencies of richness. When a metaphor or a simile is used, it is quick and apt.

The qualities revealed by his opinions were those of the man. His robe was an insignia. He who wore it gave it no mar and received none from it. The public servant was the same Samuel Alschuler whom jurists, lawyers, citizens, kin, friends and the little children knew.

He had a real sense of humor. He was modest. He never shirked responsibilities. He possessed high courage. Press of work never interfered with his care of contemplation and of determination. To him doubts gave their serious caution—they were not apostles of fear.

He was fond of children, though he had none of his own. For years, while his brother Ben's children were growing up, it was Sam Alschuler who had them in charge on Sundays and at other available times. Partly through this, and through his wide interests, he could ever look upon the world through the eyes of youth.

He was always close to his mother. Until her death in July, 1933, and while he lived in Chicago (as he did the last fifteen years of her life), he spent his Sundays at her home in Aurora.

He liked humans. One of those closest to him from his early years has said of him: "I don't know of any man anywhere who went through life with more

friends and well-wishers and fewer enemies than Sam."

In 1923, he was married to Ella Kahn, a highly cultured lady of an old honored Chicago family. Their home revealed their appreciation of art and of genuine comforts, as well as their close mutual understanding of the priceless intangibles of life.

On May 15, 1936, he retired from this Bench, but continued to serve until illness forbade. He died on November 9, 1939. At his funeral, held in his brother's home in Aurora, sound tributes, stripped of extravagances (as he would have wished them to be) were paid him in the hearing of "all sorts and conditions of men", whose presence in itself was a silent testimonial to his memory.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to the Circuit Court of Appeals for the Seventh Judicial Circuit, with the request that it be appropriately spread upon the Court's Records, and that the Chairman of the Bar's Committee provide the family of Judge Alschuler with a copy thereof.

Submitted by the Committee on Resolutions:

GEORGE I. HAIGHT, *Chairman*  
FRANCIS X. BUSCH  
EDWARD R. JOHNSTON  
SILAS H. STRAWN  
GEORGE L. WILKINSON

