

## Resolutions and Memorials

on the Death of

The Honorable William H. Seaman  
presented to the United States Circuit Court of  
Appeals for the Seventh Circuit, at Chicago, on  
the 27th day of April, 1915, 10 o'clock a. m.

The Honorable L. J. Nash presented the following Memorial of the Wisconsin State Bar Association:

"May it please the Court: The Committee of the Wisconsin State Bar Association, charged with the solemn duty, appear in behalf of the Association and present a memorial of the life and services of Judge Seaman of Sheboygan, Wisconsin, and ask that the same be made a part of the permanent records of this court, of which he was long an honored and useful member.

William Henry Seaman, the son of William and Arelisle (Crane) Seaman, was born at New Berlin, Waukesha County, Wisconsin, November 15, 1842.

With his parents, he became a resident of Sheboygan in 1845 and that was his home until his death on the 8th day of March, 1915.

Without searching for genealogical data—interesting and profitable as that would doubtless prove—it can be said with confidence, in view of the endowments of nature, that he was sprung of a lineage possessed of sound minds in sound bodies through so many generations that the type had become fixed.

Judge Seaman was in a large, and in the best, sense self-educated. The public schools of his home village were his only, or at least his principal, external aids. But his self-discipline began early, and in accordance with Socratic philosophy he was a student all his life. His studies brought him continuous growth. No period of mental deterioration ever set in. His intellectual horizon never contracted or grew dim. Although he suffered some bodily disability during the last two or three years of his life, he never suffered any diminution of his capacity to understand and appreciate great and good thoughts and actions. His mental cast was developed by a predominant love of practical and humanistic affairs. It was not altogether accidental that some of the years of his minority were spent in a printing and newspaper office. Neither was it accidental that he did not remain there too long. Even then, he was laying the foundation for his life work by devoting all his spare moments

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to the study of law under the guidance of C. W. Ellis, one of the early lawyers of Sheboygan. These studies, interrupted by his enlistment in the service of his country in September, 1861, as a private in Company H of the First Regiment of Wisconsin Infantry, were resumed in 1866 in the office of J. A. Bentley, a lawyer of more than local prominence, after he had been mustered out as sergeant at the close of the three-year period of his first enlistment and after a further service in the army of two years.

He was admitted to the Bar in 1868 and began practicing at once with his preceptor, Mr. Bentley, under the firm name of Bentley and Seaman. A large and desirable clientage was speedily attracted to their office as by a magnet and this continued until 1877, when Mr. Bentley became Commissioner of Pensions. Then was formed the firm of Seaman and Williams, composed of the subject of this memorial, and Francis Williams, of Sheboygan. That firm remained without change until the senior member was appointed in 1893 by President Cleveland Judge of the District Court of the United States for the Eastern District of Wisconsin, to succeed the Honorable James G. Jenkins of Milwaukee, who had been elevated recently to a seat on this bench. In February, 1905, Judge Seaman was again promoted by appointment of President Roosevelt to the office of Circuit Judge of the United States for the Seventh Circuit. Thus he again succeeded Judge Jenkins who had resigned and retired from the bench shortly before. This was his last field of labor. He died suddenly at Coronado Beach, California, while seeking the strength and recuperation that might result from a temporary cessation of official duty, accompanied by a brief sojourn under the kindly skies and surrounded by the beauty, grandeur and sublimity which nature has there so lavishly supplied.

Almost simultaneously with Judge Seaman's admission to the Bar he was married to Miss Mary A. Peat of Glens Falls, New York. He is survived by his widow and two daughters, Misses Arelisle and Mary. His only son, Charles, died many years ago.

Besides his military service and his career upon the bench, Judge Seaman often rendered valuable public service as alderman, as city attorney, as member of the school board and as mayor of his home city; also as president of the Wisconsin State Bar Association and as a regent of the University of Wisconsin. In every position and in all his relations the altitude of his standards elevated the strivings and aspirations of his neighbors and co-laborers. The wisdom and foresight of his views in local and public affairs shone with a clear and steady light. They gave him a leadership that might easily have opened the way to political preferment if he had been willing to enter that door. But notwithstanding his unwillingness to be diverted from his professional pathway, he continued until he was enwrapped with the judicial ermine to participate in the leadership in Wisconsin of the political party with which he enthusiastically affiliated. He often attended state and national conventions as a



constituent delegate. He was a member of the platform committee of the convention that nominated Samuel J. Tilden. He was chairman and presided at one state convention, at least, in the days when such conventions were the only instrumentality for selecting candidates for non-judicial state offices and for determining party policy. Although he was disinclined to participate in the public discussion of partisan issues in political campaigns, he yielded, not infrequently, to the numerous appeals for aid upon the platform.

But these temporary and occasional services were merely incidental. They were neither sought nor avoided, but were always cheerfully performed. The next day he was in his office practicing law. They serve, however, as an appropriate setting for the character-structure he was steadily building. Although a student, he was not a recluse. Although devoted to the study of the law as a science and to its direct application to the conduct of men, he was also interested in the men themselves and in all their affairs and manifold relations.

Judge Seaman's practice at the bar covered a period of almost a quarter of a century. He was often called upon to meet in the battles of the court room such opponents as David Taylor, Edward S. Bragg, Charles W. Felker, Gabriel Bouck, Joseph V. Quarles and others scarcely less distinguished. Without the eloquence of some of these, or the special aptitudes and remarkable powers of others, the battle was generally not unequal between them. A well balanced mental equipment, offering no weak spot for special attack, a thoroughness of preparation that anticipated every possible surprise, and an unsurpassed excellence of judgment respecting the character and motives of parties, the credibility of witnesses, the weight of evidence and the point of view of average jurors, marked him in every forum as an advocate of unusual powers and gave him abundant success. His strength in controversies before the court was also very great. His thorough learning, sound judgment and instinctive appreciation of equity were always drawn upon in unstinted measure and were of the highest value to the court in determining what its judgment should be.

When Judge Seaman was elevated to the federal district bench he was only a few months more than fifty years of age. He still had the years requisite to a large and useful career in the new sphere. He was in perfect bodily health. His practice at the bar had been guided by such methods and by such ethical standards that his transition to the judicial function was natural and easy. He soon became a favorite with trial lawyers. Although he had been a general practitioner, he had sometimes been described, to mark a special aptitude, as a business-man's lawyer. So on the bench his intimate acquaintance with the modern business world was manifest and he was sometimes spoken of as a business-man's judge. But whatever the nature of the case on trial, a willingness to be convinced of error and to correct it, if discovered, was conspicuous.

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This characteristic sprang more directly from a desire that the right prevail than from a desire that no error appear on record. It did not spring at all from self-distrust or a want of firmness. On the contrary, it exemplified his uniform patience and his habit of constantly 'struggling toward the light,' which are of the essence of judicial quality. His judicial work was even and excellent. There is no danger that it will ever be overlooked or grow obsolete. His opinions, including lucid statements of facts and cogent reasoning, were models of brevity. They will be studied during a long future for both worth and form. They will be searched more for the rule of decision expressly announced than for multiplied citations of authorities followed. These opinions have the individuality of their author. They still speak. His intelligence, his spirit, his love of justice, and more than all his love of men, are still astir in the great reservoir of jurisprudence to which he so liberally contributed.

In preparing and submitting this memorial, we have not been unmindful of the need of moderation in our words of eulogy, even of one we loved and admired so much. It has seemed appropriate, at least, if not necessary, to 'consider no less what his delicacy will permit than what his merits deserve.' We are admonished of this duty by the views he expressed while still living. In 1891 he presented to the Supreme Court of Wisconsin a memorial of the life and services of the late David Taylor who had long been a distinguished member of that court. It might well be adopted as his epitaph. We adopt it as something better than anything we can write:

'His works which live after him, better than words of praise, exemplify the man who so long and so worthily served the state and his fellow-men.'

**Address by  
Judge Nash**

Judge Nash added the following tribute:

"May it please the Court: Having been Judge Seaman's junior by a little more than two years only, having begun my practice at the bar only four years later than he began his, having been associated with or opposed to him from time to time in the trial of causes in every court, from courts of justices of the peace to the court of last resort of the state, and having had the pleasure later of practicing in his court while he presided as judge of the United States District Court at Milwaukee, I beg leave, besides moving the reception and the recording of the Memorial of the Wisconsin State Bar Association, to add a few words of unofficial and non-professional appreciation. The memorial, it is hoped, will serve as a tower from which a beacon will stream forth to guide those still voyaging the sea of life; while these words are intended to symbolize a twig of evergreen dropped on Judge Seaman's bier.

Judge Seaman was not compounded of giant in one part and child in another part. He had no violent contrasts of character or



intellect or attributes to rivet attention; no snow-capped peak beside an unhealthy morass, each magnifying and emphasizing the other. His worth could not be measured in sections; it could be seen and understood in its entirety only. And yet the briefest acquaintance was requisite to command both love and admiration for the symmetrical whole, because the pathway of approach was smoothed by a winning frankness and bordered by the garlands of sympathy and kindly interest. We cannot consent, we need not consent, to the view that this personality has suffered extinction or that its usefulness has been seriously impaired.

**Address by  
Judge Nash**

While it is true, in a sense, that we are met to pay our tributes to departed excellence, to express sympathy for those who are bereaved by personal loss, and to reverently note the devolution of intellectual and spiritual legacies from an estate that will remain unimpaired and undiminished through all the processes of partition and distribution, it is equally true, nevertheless, that the occasion is less sad than solemn and important. It need not be marked by tears, although sorrow and regret sit on every brow. At other times, and at other places, tears have followed, and may still flow; for sometimes 'tears themselves are sweet, and weeping itself a pleasure.'

But if our every wish could be granted, what change of situation would we dare to ask? Judge Seaman could not have remained with us much longer under any circumstances. His years, though not great, were yet full and ample. Comparatively few men begin the seventy-third year of age. Joseph V. Quarries, Judge Seaman's immediate successor on the district bench, died at the age of sixty-eight. Charles F. Dyer, for many years the judge of the same court, died at the age of seventy-one. Edward G. Ryan, sometimes referred to as 'Wisconsin's great Chief Justice,' reached only the scriptural age of three score years and ten. In a memorable and admirable memorial address by the late Col. William F. Vilas, the Chief Justice, in his later years, was spoken of 'as still working when his old frame was broken by the weight of years and infirmities.' But surely none of the distinguished judges whom I have mentioned left any work unfinished. Judge Seaman might have added a few decisions to those we already have if he had lived a little longer. But what matters a little more or a little less? What he has actually done bulks large enough. We are glad he did so much. And now, when he has laid down his pen, we need not feel overwhelmed as by calamity. Rather do we feel a tempered grief, consoled by the thought that his work was well finished and that the things and the persons he had always loved he was still able to love to the end; and that those who loved him most were with him when he fell asleep. The members of this court and Judge Seaman's family must suffer, of course, the most direct personal affliction. But to your honors, and to them, let his own words of cheer be

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Judge Nash**

spoken, words he used when presenting to the Supreme Court of Wisconsin the memorial of Judge Taylor:

'Your honors, who survive him, will miss his clear judgment, his industry, his learning, and his acumen. The bar will miss the continued guidance which has been found in his opinions as precedents.

His family and those who have been close to him, although grieving for their loss, must find recompense in the memory with which his name will be cherished by all.'

**Memorial  
of the  
State Bar  
Association  
of Indiana**

Mr. Addison C. Harris presented the following Memorial on behalf of the State Bar Association of Indiana:

"The members of the State Bar Association of Indiana record their profound appreciation of the life and labors which were brought to a close by the death of Mr. William H. Seaman, Judge of the Court of Appeals for the Seventh Circuit.

He ascended this bench in full maturity of his powers, and was entirely fitted by his experience at the bar and upon the District Bench to discharge the responsible duties, as a member of this Court.

On occasion he sat on the Federal Bench in the District of Indiana, and the members of the Association appeared before him at this Bar, so that the Bar of this District came to know him well, and appreciate to the full his worth as a jurist and his delightful character as a man.

The members of this Association were at all times impressed with his clear and strong sense of justice.

His conscience was never confused by any display of authority or persuasion of counsel. Guided by his masterful study of jurisprudence, united with his practical experience, first at the Bar and afterwards on the Bench, he came to know, with intuitive certainty, the road to the true judgment in cases submitted for consideration and decision.

Judge Seaman mastered the cases as they came, to the admiration of the Bar and the people. He did his work well. His opinions and judgments have done their part in clothing this tribunal with its high rank among the Courts of the nation, and will remain true guides in the course of the administration of justice in the land.

This Association requests Mr. Addison C. Harris to present this memorial to the Court for entry upon the record, and asks that the Clerk be directed to send to the family of Judge Seaman a copy hereof, with an expression of our sympathy for them in the loss they have sustained.

THOMAS E. DAVIDSON,  
President.

GEORGE H. BATCHELOR,  
Secretary."



Mr. Harris added the following personal tribute:

Address by  
Mr. Harris

"May it please the Court: Judicial duties prevent the attendance of the Judge of the District Court of Indiana to-day, and at his instance I venture in behalf of our bench and bar to express the high esteem in which Judge Seaman is held by us, and our profound sorrow at the termination of his long and useful life.

We esteemed him not more for his jural integrity and ability on the bench, than for his engaging nature when unrobed he came and met us in social life.

He was not a stranger to our court, for in the course of his duties at times he sat on the bench in our district, and tried cases both at law and in equity. It was in this court of appeals that our federal bar had most occasion to observe the activities of his mind and the accuracy of his conscience.

He sought with the manner of a trained lawyer to learn the very facts at the bottom of the instant case, for he, as well as all other practical and successful men of our profession, came to know, that the straight road to truth was not hard to follow when marked by the undisputed and established monuments on the way.

Judge Seaman was not so much an academician as an experienced and practical jurist. His enlightened sense of right and justice was a pure and sure guide to his judgment. A judicial conscience, regulated by an impartial and intelligent judgment, is more trustworthy than volumes of cases gathered from the library. For as no leaves on the oak are precisely the same in form and outline, so also do we rarely find cases rising from the affairs of men exactly the same in all their minute and controlling details. And it is because of this that that emotion within our hearts, which we call conscience, our monitor within, after all is often the most trustworthy instructor. It was the method pursued by the elder jurists whose modes and tests we are assimilating into our methods of judicature wherever the English language is spoken. This was Judge Seaman's characteristic method. He was not confused or misled by a great array of miscellaneous authority, nor by the persuasion of counsel. The mainspring of his judicial work was moved by the very facts in the case at bar.

Our bar feels, and follows in a great measure, the lesson of Judge Seaman's judicial career. We read his opinions in the light of our knowledge of his method of research when in quest for the real verities of the case in hand, and to be fully understood and appreciated the records of the cases by him adjudicated must be read in this light.

And while his life has gone out, the light of his life remains undiminished, and will continue to shine as an illuminating guide for others in the great work of measuring justice between our fellow men.

**Address by  
Mr. Harris**

The words of the Chief Justice of the Supreme Court of the United States on a like occasion are fitted to be repeated here, and applied to Judge Seaman:

'Contemplating that life, its simplicity, its courage, its devotion to duty, its love of country, does not the faith come to us, that in the transition from things finite to things infinite, it has been given to him to hear the melody of those words of benediction, which has led so many to consecrate their lives to the performance of duty, and the service of God and their country: Well done, thou good and faithful servant.'

**Address by  
Mr. Hazelton**

The Honorable G. W. Hazelton of Wisconsin addressed the court as follows:

"May it please the Court: If some stranger, not familiar with the customs of our profession, were to inquire what this gathering means, he would be informed that it signifies a duty which the living owe to the dead. In every human heart there is planted the desire to be kindly remembered by surviving friends and associates, and this desire is met by a dominating sense of the duty which the living owe to the worthy who have departed. Hence, the cherished usage which has prompted this assemblage. We are here to-day to pay the tribute of our respect, esteem and affection to a distinguished member of our profession who is no longer with us and it is hardly necessary to add that we honor ourselves in our desire to honor him. Rarely do we have occasion to contemplate a career so well rounded, so complete, so responsive to high ideals as that of the lamented judge. It commands unqualified respect and admiration. His life was singularly free from hindrances and perplexities. There was a charm in its steady onward movement. It was like a river which flows calmly on under a law which regulates its motion, to mingle its waters with the deeps of ocean. It was not noisy or turbulent like the mountain stream. It was calm, orderly, consistent, conscientious—a life which one cannot contemplate without sincere admiration and a conscious quickening of emotion.

An obscure Jewish writer, who departed this life more than 3,000 years ago, left behind him a few pages of devout deflections and they were deemed worthy a place in the sacred canon. He defined the duty of man in a simple formula which has never been improved. I fancy the judge may have heard his mother read it when a child: 'Thou shalt do justly, thou shalt love mercy and walk humbly before thy God.' No life under this injunction was ever a failure, or ever will be.

Someone has written,

'When our souls shall leave this dwelling, the glory of one fair and virtuous deed is above all the escutcheons on our tomb or silken banners over us.'



Fame is evanescent at the best. 'Alas!' sighed Rip Van Winkle, 'how soon we are forgot when we are gone!' It is doubtful if one college graduate out of a hundred could give the names of our presidents off-hand, and it is hardly probably that any gentleman present knows the names of half the governors of the several states. The fame of members of our profession is notably transitory. The lawyer's powers are exploited in dealing with problems which mainly concern the parties to the record and do not appeal to the general public.

Address by  
Mr. Hazleton

The judge whose opinions become a part of the legal literature of his time has a stronger hold upon remembrance, but even this is frail and fleeting. We are living in an age of rapid transit. The present is crowding out the past and it is to be observed, in view of the fact that 45,000 judicial opinions are published every twelve months, that individual distinction is necessarily restricted to a narrow field if not wholly lost in the voluminous mass of learning more or less profound.

One great fact, however, remains for our encouragement—the richest rewards of life are found in the consciousness of duty done. To those who recognize this fact, the legal profession offers a field for grand and inspiring activities. It has been in the past and is to-day a commanding factor in upholding the basic principles of stable government. It is identified with the organic law of the national government and that of every state in the Union. It cannot be expected to look with favor upon the daring attempts to discredit representative government and wipe out the safe-guards of personal rights and social order. As in the past, so in the future, it must stand for the honor and independence of our courts as the essential bulwark of our boasted civilization. Our departed friend and brother was wisely inclined to adhere to the paths which are illuminated by the wisdom of the past and sanctioned by all the teachings of experience, and he has left us an example of faithful service, which may be safely accepted as a stimulant by every member of the profession.

The judge, I am pleased to say, was not a genius; he was an able, well equipped, fair-minded judge, which is better. He studied the authorities and respected their teachings. He possessed the judicial temper and temperament, and was thoroughly conscientious in the discharge of every duty.

He was moreover a loyal friend, a genial companion, a model citizen. The reward of the husbandman for his summer's toil is represented by the golden sheaf of the harvest field. The sheaf to be gathered from his ceremonial does not represent material wealth, but something better; it represents the just appreciation of devoted and honorable service in the higher walks of the profession. It represents the esteem and affection of associates and friends.

It is a tribute to an honorable and useful career—a career worthy of remembrance. It is well to bear in mind that a life fashioned

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on high ideals overflows the limits of physical existence as the light overflows the day. The perfume of the flowers remains after the vase is broken.

No one could be present here to-day without realizing the sincerity and deep feeling which characterizes this gathering, and there are others outside these walls which are equally interested in these exercises. The judge had a large circle of friends and admirers in his home state, who knew him as soldier, as citizen, as lawyer, as judge, whose appreciation was based on a thorough knowledge of his worth. They will be interested to know the esteem in which he was held by the bar of his circuit and will be glad to read the memorial of your committee.

But the circle most deeply concerned—the circle which will await your report with the most absorbing and abiding interest—is composed of those who sit in the shadow of a great bereavement. They will draw comfort and consolation from every expression in honor of the departed.

'Here's rosemary—that is for remembrance' and it is pleasant to think that every feature of this service is permeated with its fragrance.

Far way, beyond the sea, the brutal savagery of war darkens and dishonors the civilization of the ages. The contrast is impressive beyond the power of language to describe. Here in this temple of Justice, in the calm atmosphere of peace and good will, we assemble to exalt the virtue of kindly remembrance and emphasize the ministries of love.

Let us hope that here in this, our favored land, peace and justice may go hand in hand in all the coming years."

**Memorial  
of The  
Chicago Bar  
Association**

Mr. S. S. Gregory, of the Chicago Bar, presented the following resolutions and memorial:

"May it please the Court: The Board of Managers of the Chicago Bar Association appointed a committee consisting of Messrs. Samuel Alschuler, Farlin Q. Ball, Joseph H. Defrees, William W. Gurley, Charles F. Harding, John S. Miller and myself to prepare and present to this court resolutions appropriate to this occasion. On behalf of the Committee and the Association, I beg to submit the following:

"The members of the Chicago Bar Association desire, through this Committee, to express their profound regret at the death of William Henry Seaman, of Wisconsin, lately a Circuit Judge of the United States for the Seventh Judicial Circuit, and to record their high appreciation of his life and character and of his long, useful and varied public service.

Judge Seaman was born at the Village of New Berlin, Waukesha County, Wisconsin, on the 16th day of November, 1842, the son of William and Arelisle Crane Seaman of that village.

His father came from Buffalo to the West, expecting to make his home in Milwaukee; but, owing to heavy losses sustained through



shipwreck, he changed his plans and went to New Berlin and put up a sawmill and built the log house in which his son was born. The mill burned that winter and he moved to Milwaukee and worked at his trade of harness-making

The next year he moved again; and in 1845 to Sheboygan, where he afterwards resided for many years, 'highly respected as citizen, tradesman and merchant,' as we are told in current biographical sketches of his distinguished son.

From similar sources we learn that Mrs. Seaman was of English Puritan ancestry, a woman of refined character and lovable disposition and ever a leader in social, charitable and religious activities.

These simple annals of people in humble life, yet of the highest respectability, and touched by those elevating and refining influences and associations which distinguished so generally the native pioneers of the West, are not without significance in this connection. For thus in large measure are foreshadowed the inspiration, life and character of him of whom we would more immediately speak.

'Do men gather grapes of thorns; or figs of thistles?' As a rule men do not like 'wholesome berries thrive and ripen best neighbour'd by fruit of baser quality.'

Judge Seaman was reared by those excellent parents in Sheboygan, the home of their adoption which, from the time they went there in 1845, was always his home.

It does not appear that his academic education extended beyond the public schools. At the age of sixteen he learned the trade of a printer and pursued this avocation until shortly after the outbreak of the Civil War, spending his evenings and spare time, to some extent, in the study of the law under the guidance of Mr. C. W. Ellis of Sheboygan. On the 19th of September, 1861, at the age of eighteen, he enlisted for three years as a private in Company II, First Wisconsin Infantry. He participated in the battles of Perryville, Murfreesboro, Stone River and Chickamauga and in the Atlanta campaign. At the battle of Nashville he served as an orderly under General George H. Thomas. When he was mustered out as sergeant in October, 1864, he re-entered the service and was detailed in a clerical capacity at the headquarters of the Army of the Cumberland, returning again to the activities of civil life in September, 1866.

He then resumed his professional studies with Honorable J. A. Bentley of Sheboygan, afterwards appointed Commissioner of Pensions; was admitted to the Bar in June 1868, and became Mr. Bentley's partner. After the latter went to Washington, Judge Seaman formed a partnership with Francis Williams, Esq., which continued until April 3, 1893, when he was appointed, by President Cleveland, Judge of the District Court of the United States for the Eastern District of Wisconsin, sitting most of the time at Milwaukee, and succeeding Honorable James G. Jenkins, of that city.

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On the 25th day of February, 1905, he was appointed Circuit Judge of the United States for the Seventh Circuit, by President Roosevelt, a position which he filled until the time of his death.

In 1893, and for some years thereafter, he was President of the Wisconsin State Bar Association, and for several years prior to his appointment to the Bench, was a regent of the University of Wisconsin by appointment of the Governor. Earlier in life he served as alderman, city attorney, member of the school board and mayor in his home city.

On December 17, 1868, he married Miss Mary A. Peat, of Glens Falls, New York. Mrs. Seaman and two daughters, Miss Arelisle and Miss Mary, survive him. A son, Charles—bright, attractive and of great promise—died some years since, in his early manhood.

While at the bar, Judge Seaman was in general and successful practice, being engaged in much of the most important litigation arising at or near his home. In politics he was a Democrat. While on the district bench, he often came here to hold court.

After his promotion to the circuit judgeship, he sat regularly in this court, which has held nearly all its sessions in this city.

We had ample opportunity to know him as a judge, and we would speak of him especially in this capacity.

He had all the qualities essential in a good judge. In the first place, he was a just and fairminded man. He could see both sides of a question. Without this quality no man can, by any possibility, be a good judge. Industry, acuteness, learning and integrity, all valuable and important, are not adequate without it.

Then he was gifted with reasonable patience. He had none of that intellectual irritability so marked in some judges, which makes it difficult for them to listen understandingly to argument and prompts them hastily to reach conclusions in a case in advance of final consideration.

He listened with open judicial mind, always apparently solicitous to derive whatever was available in the way of assistance from the argument of counsel.

Even when counsel might feel that he was indisposed to agree with them, they were yet conscious that he was willing and anxious to have them fully state their contentions, and then to give to the arguments thus submitted, the full weight to which he felt they were fairly entitled.

He always preserved admirable self control upon the bench. He grasped the points at issue clearly and firmly, and did not lose sight of them in the mazes of argument. He had a certain sort of calm lucidity in his mental processes, evident and most reassuring to counsel and to parties. They all felt, inevitably, that he understood and appreciated their contentions, and ruled upon them fairly and intelligently, after the arguments on both sides had been duly and carefully weighed.



In his rulings and judgments he was absolutely impersonal. It was not necessary for any lawyer appearing before him, however humble, nor however formidably opposed, to speculate as to whether his opponent could have any advantage in respect of his professional standing or his personal relations with the court.

**Memorial  
of The  
Chicago Bar  
Association**

This is a great deal to say of a judge, and it can be said of Judge Seaman with absolute truth.

The conventional qualities of the bench, diligence, varied professional learning and high integrity were his in full measure.

And touching and adorning his every official act, marking every moment of his public service and softening every exercise of judicial power, was that gentle and unfailing courtesy and kindness which more than any of his other qualities—possibly quite as much as all combined—endeared him to the profession, and to all who were brought within its pervading and persuasive influence.

‘The bravest are the tenderest;  
The loving are the daring.’

Before he was a judge, in the first flush of his young manhood, he had gone out to battle, if need be to death, for his country.

The brave young soldier, tried in the awful crucible of war, bearing a humble but not unworthy part in some of its bloodiest battles, became in later life the patient, kindly and merciful judge.

And to him, in his high judicial office, went out the confidence and affection of this bar, in the fullest measure. There is scarcely a lawyer who practiced before him to any extent who did not feel, upon the announcement of his death, a deep sense of personal loss and personal bereavement.

He died suddenly at Coronado Beach, California, on the eighth day of March, 1915, at the age of seventy-two.

What lies beyond this life we cannot know; but if fidelity to every trust, loyalty to every duty, earnest and faithful service, and justice, charity and kindness towards all are virtues which are there rewarded, then all is well with him. It is therefore

RESOLVED, That this committee present the foregoing Memorial Minute to the United States Circuit Court of Appeals for the Seventh Circuit, at such time as the court may signify its disposition to receive it, with the request that it be inscribed on the permanent records of the court as an expression of The Chicago Bar Association, upon the life and character of Judge Seaman.

AND, that a copy thereof and of this resolution, be transmitted to his widow and daughters by the secretary of the Association, together with the assurance of our profound sympathy in this, their great bereavement.’

**Address by  
Mr. Gregory**

May it please the Court: It is not my purpose, in moving that this memorial be received by the court and entered upon its permanent and enduring records, to make any extended remarks.

I think to-day, we all feel a deep sense of personal loss and personal grief, as we realize that we shall never again see, in his familiar place upon this court, him whose memory we have met to honor; that he has gone from us never to return.

As I look back, I remember that fifty years ago, I saw Andrew G. Miller, the first Federal Judge appointed in Wisconsin, after her admission into the Union, holding court in Milwaukee. He was the first Federal Judge I ever saw; an old-fashioned, strong and rugged character, who presided for many years with signal ability and marked independence, in the Federal Court held in that city. He has long since passed to the Great Beyond; and I recall that, save the present incumbents, but one of those who came after him, either in the Eastern or the Western District of that state, still survives. All are gone: Howe, Dyer, Seaman, Quarles, Hopkins and Bunn.

Here in Chicago, of those in service on the Federal bench of this Circuit, or retired from such service, death has taken, while I have been at this Bar, Drummond, Blodgett, Gresham, Woods, Showalter and Bethea.

Did time and the occasion permit, we might well say something of each one of these and his valuable public service.

It does not seem long since this court was established, although it is now nearly a quarter of a century.

There is not now in service on the Federal bench in this Circuit, a single judge who was on that bench at the time the act creating this court was passed. One who retired is living, Judge Jenkins.

As we grow older, the inevitable changes that time brings seem to come with ever increasing rapidity; and we realize the truth of the melancholy reflection recorded by the great pagan ruler and philosopher: 'And then we all die so soon.' Yes, all too soon for those who mourn.

But no broken column, no uncompleted circle, aptly typifies the life which we here commemorate. That life was full and complete.

It extended beyond the age of man allotted by the psalmist; and he who lived it, faithful to every trust, loyal in every relation in life, the brave young soldier, the diligent and conscientious lawyer, the able, upright man and humane judge, the devoted husband and father, taken while in the full possession of all his faculties, ere yet he 'lagged superfluous on the stage,' mourned though he is, must yet be accounted fortunate in his death.

And you, sirs, I am sure, his associates on the bench, as do we who practiced before him feel thankful for such a complete, honorable and useful life and for the stimulous and inspiration derived from its contemplation and its high example.

We shall ever hold in affectionate remembrance the memory of him whose conspicuous virtues and excellences, and long and faithful service, we to-day commemorate."



Mr. C. C. Linthicum, of Chicago, addressed the court on behalf of the Patent Bar Association of Chicago:

**Resolutions  
of  
Patent Bar  
Association**

"May it please the Court: Among the Bar Associations which have honored themselves in honoring Judge Seaman, I am sure there are none at which he was a more welcome guest than the Patent Bar Association of Chicago.

I have been delegated to present, on behalf of that Association, a brief memorial, written by J. Henry Pierce, a member of the Patent Bar, and a practitioner before this Court; but as it repeats only briefly the biographical references to Judge Seaman, I will therefore read it as it was written by Mr. Pierce:

"William H. Seaman, late Judge of the United States Circuit Court of Appeals, Seventh Circuit, was born at New Berlin, Waukesha County, Wisconsin, in 1843. At less than twenty-one years, the slender lad enlisted as a private in one of the Wisconsin regiments of the Civil War. Shortly after its close he came back to Sheboygan, Wisconsin, where he finished his apprenticeship as a journeyman printer, put found time to enter upon the study of the law and gain admission to the bar.

Judge Seaman began his law practice in the little Wisconsin town, and there continued from year to year, serving his fellow-citizens at times as mayor of the town, as regent of the State University, and as president of the State Bar Association.

Called by President Cleveland to become United States District Judge for the Eastern District of Wisconsin, in succession to Judge James G. Jenkins, our friend Judge Seaman, in 1893, laid down the practice of a busy lawyer, scarce twenty-five years from his admission, and thereafter, until the close of his career, dealt justice with even hand, unflinching, for twelve years in the Federal District Court, and finally for ten years in the Seventh Circuit Court of Appeals, with patience, modesty, diligence and truth.

Those who attended the funeral were impressed anew with the shining worth of these resplendent qualities when we reached Sheboygan, and there found the shops and stores closed, the factories with their busy whirl of machinery stilled, while—as a testimonial even more impressive—we saw the inhabitants, in awed silence, respectfully noting the mourners' cortege, as the little group bore the frail body of Sheboygan's most distinguished citizen slowly along to its final sepulcher.

All people alike, clergy and laity, professional men and merchants, clerks and farmers, town and country neighbors, even to the humblest, hallowed and unlifted by the near bereavement, in profound appreciation, claimed Judge Seaman as one of them, an elder brother in the community, and honored far and wide; beyond, in death, a precious memory, as in life a winning reality, esteemed for his benign presence and for his gentle fellowship without a stain.

**Resolutions  
of  
Patent Bar  
Association**

The members of the Patent Bar Association of Chicago, mindful of the deep affliction visited upon the family, yet venture the hope that it may not be deemed an intrusion should we now, with unanimous voice, register in seemly way, our deep respect for the memory of William H. Seaman, well beloved judge in his service on the Bench, and in first esteem as a worthy citizen in the simple walks of life, extending to the bereaved family our abiding sympathy for the loss we all suffer in common."

**Address by  
Mr. Linthicum**

Mr. Linthicum addressed the court as follows:

"It is difficult to express in just, yet adequate terms, an appreciation of the life and character of the late Judge Seaman. Our estimate of our fellowmen depends upon many conditions, peculiar to ourselves, and affords an unreliable measure of their true worth. The appreciations which have already been voiced, express in better terms than I can employ, the general estimate of the value and worth of such a life and such a work as that of the distinguished dead.

Therefore, I will only add my individual estimate deduced from a somewhat extended but not particularly intimate acquaintance with Judge Seaman.

Shortly after his accession to the bench I took part in the argument of a case before him while sitting as a District Judge in Milwaukee. At the close of the hearing, all of the counsel in the case expressed themselves as impressed with his absolute fairness, his uniform courtesy, and his patient and attentive consideration of the argument and the evidence. During the years that have followed, in common with other members of the Patent Bar, I have had frequent occasion to appear before Judge Seaman, sitting as a District Judge, and also as a member of this court, and the impression produced on the occasion first referred to, has been deepened and strengthened by later experiences. Although the questions were often close, the issues important, and the controversy between counsel sometimes heated, Judge Seaman invariably maintained a calm demeanor and gave courteous consideration and most minute attention.

Everyone concedes that Judge Seaman was a good judge. No one would claim for him that he was a super-man, but everyone recognized in him the human. While he had an open mind, he was not easy to persuade to an unsound conclusion. His aim was to ascertain the right, and when he reached what he believed to be a sound and right conclusion, few judges exhibited more tenacity than he.

In all that goes to make up the fabric of our government, the judicial department is the most important element. Bad laws may be repealed; unwise executive acts may be recalled or modified, but unjust or ill considered judgments strike at the very foundation of our government, for they strike down the confidence of the public, the last great anchor of our hopes. The public mind, unless poisoned by demagoguery, turns to the courts as the final arbiter between right and wrong, and the position of a judge is, therefore, the most im-



portant and entails the greatest responsibility of any position in public or private life. The judicial robe is the true symbol of sovereignty, and partakes most nearly of divine attributes. To such a calling with such responsibilities, Judge Seaman gave nearly a quarter of a century of his life, and he left the judicial history of this country enriched by a splendid example of just judgments and a true appreciation of the rights, duties, and responsibilities of litigants, of lawyers, and of the bench."

**Address by  
Mr. Linticum**

The response on behalf of the court was made by the Honorable Francis E. Baker, presiding judge:

**Response by  
Judge Baker**

When death afar off mows down men by the thousands, it may be hard to sense the reality of it; but when death crossed our threshold and took Judge Seaman from us, he trampled on our hearts, for the years of association with him both in and out of court, taught us respect and admiration for the good and righteous judge, and more than that, they taught us love for the gentle man.

His qualities as judge have been amplified in the resolutions and memorial addresses presented here. His possession of the essential judicial qualities in an eminent degree, is known to us all, his diligence, his wisdom, his courage, his fidelity, his industry, his patience, his uniform and unflinching courtesy. There is one quality, however, that has always impressed me, as I have observed him, away and apart from others, in the deliberations of the conference room. Judge Nash spoke of his ability to reconsider a judgment that he had formulated, when convinced that it was not right. Mr. Linticum spoke of his characteristic of listening patiently and carefully to the arguments on both sides, and that when he had come to a conclusion, none was more tenacious of his judgment than he. But that was only when his judgment remained convinced. And he had as high as any judge I have ever known, the quality of looking at his own work as impersonally as at the work of others. He had no pride of opinion, and no attitude of standing upon a ground simply because he had once taken it. He was always ready to reconsider. And that to me is a mark of a good judge. To me it is also a mark of a great judge, because no man is great unless he is ready to acknowledge and rectify his mistake, when he realizes that he has made one.

Greater than his qualities as a judge, to me have been his qualities as a man. Those qualities have been spoken of and amplified in the memorial resolutions and addresses. I will not undertake to speak of his fidelity to his country, his devotion as a soldier, and as a lawyer, as a father, husband and friend.

But there was one quality of Judge Seaman as a man that stood out to me in pre-eminence, just as the quality of dispassionate review stood out amongst his qualities as a judge, and that quality as a man was his unselfish loyalty in every relation of life. It was that, that led him to give up many years of value to his country. It was his unselfish loyalty to others that distinguished his relations to his

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**Response by  
Judge Baker**

family, and to his friends, and to his associates. It was that quality that endeared him to all that came in contact with him. It was that quality that led him to do the greatest thing that a man can do, and that is to devote unselfishly the best that is in him to the service of his time and of his fellowmen.

As the addresses and memorial resolutions have indicated and as I know, there have been opportunities for him to step aside and occupy a conspicuous place in political life; there have been many opportunities where he could have joined the ranks of those who place substantial rewards of property and money above the satisfaction of doing one's best in service to his time and to his fellowmen. All those things he put aside because he believed that in doing that for which he felt best fitted, he was best giving himself in service.

We know he is gone; but it is a shock to turn and see that he is absent from his place upon this bench, and that he is no longer at his desk in the adjoining room.

We know he is gone; but still we hear the sound of his cheery voice, and see the light of his kindly eyes.

The resolutions and memorial addresses, by order of the court, in accordance with the motions will be spread upon the permanent records of this court; but it needs no written word to keep green his worth in the memories of those who have been in touch with his gentle personality.



## LIFE'S PROBLEM

By D. H. FLETCHER

(Read at the Meeting of the Chicago Patent Law Association and before  
the United States Circuit Court of Appeals on the 27th day of April, 1915)

A life has passed—one more reminder of  
That ancient problem of Man's purpose here  
And what the final purpose hence may be.

Poem by  
Dr. Fletcher

We see the Danish Prince—the open grave;  
The dust—the knee-deep dust that once was man,  
Lies all around, and yet that sea-deep hope  
That buoys man, is hidden from his ken.

“— to die? —to sleep,  
No more; —and, by a sleep, to say we end  
The heart-ache, and the thousand natural shocks  
That flesh is heir to—”, he thought, “a consummation  
Devoutly to be wished.”

The law of hope, the law of love, the law of life protests.  
Was it for *sleep* that man, and suns and stars,  
And sea and air, and continents were made?  
Was it for *sleep* that infinitely great and infinitely small,  
Were merged in one inseparable—one harmonious whole?—  
Forever changing—ever blending—ever hoping—  
Ever growing into something nobler—higher—better than before?

The atoms in a drop outnumber all the drops in all the seas—  
The electrons in an atom, all the atoms in a drop;  
To lose but one—would wreck the Universe.

The wondrous law that shields the atom makes the Universe a fact.  
That tiny mite, exploring in the soil to find a mate,  
Unites with it, and by osmosis seeks the light to form a brilliant  
Leaf upon the topmost stem of the sequoia towering in the sky;  
Or yet, perchance, a seed—that other trees may grow to serve,  
The needs of great and nobler races yet to come.

The mission of the man cannot be less because he is a man.  
Shall seeds impart the laws of life to trees  
And man's brain die to furnish food for weeds, and grass and swine?



**Form by**  
**Mr. Fletcher**

Why does the atom in a crumb of bread,  
Transform itself to subtle thought? Was the  
Principia of Newton a mischance?—  
Must Beethoven and Liszt, and all the rest,  
Decay to fructify the germs of beast  
And flesh and fowl—with nothing left beside?

A star goes out:—but yet each ray of light  
Goes on through time to brighten other worlds,  
And thus conserve the poise that ever marks;  
That miracle of change, that symphony of  
Law and blended might.

The sequence—what?  
Not endless sleep; not idle, stagnant rest;  
But cycles of accomplishment that flash  
Their glories on and on, and ever on,  
To gild new eras of Eternity.

We know not how the conservation comes;  
We know not what the magic circles bound;  
We only know that noble thoughts and deeds  
Are chains of gold that bind their authors to  
A Universe in which no wrongful act  
Can crush the seed of Everlasting Right.

