

Judge Seaman

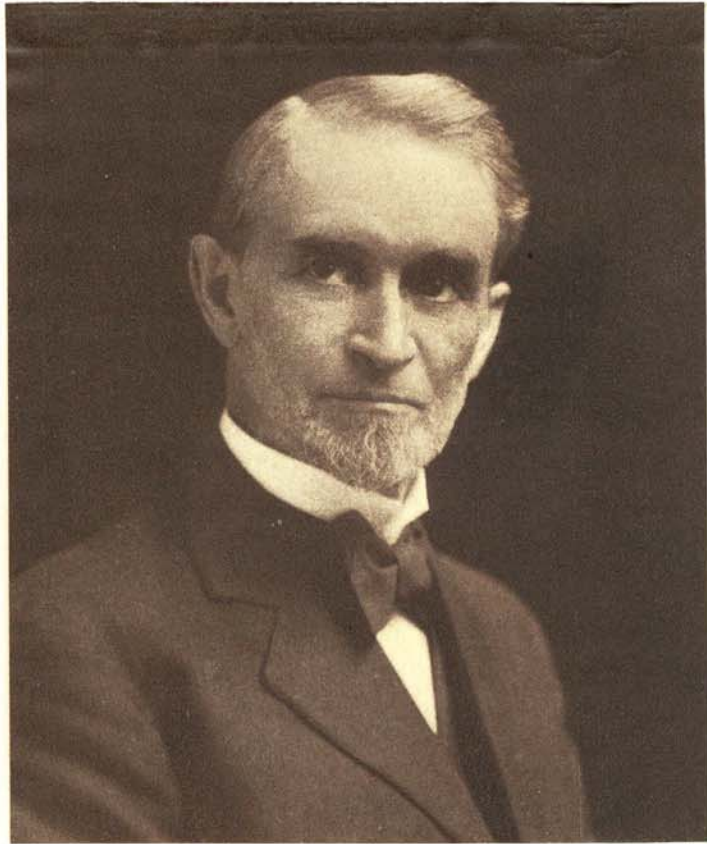
Presentation

June Eighteenth
One Thousand Nine Hundred and Fifteen

United States Circuit Court of Appeals
for the Seventh Circuit

PRESENTATION of Portrait of
the Honorable William H. Seaman,
to the United States Circuit Court
of Appeals for the Seventh Circuit

Proceedings had on the eighteenth day of
June, one thousand nine hundred and fifteen



AT a regular term of the United States Friday,
June 18,
1915
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 sixth
day of October, 1914, of the October Term,
in the year of our Lord one thousand nine
hundred and fourteen and of our Independ-
ence the one hundred and thirty-ninth.

On Friday, June 18, 1915, 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. Christian C. Kohlsaat, Circuit Judge;
Hon. Julian W. Mack, Circuit Judge;
Edward M. Holloway, Clerk;
John J. Bradley, Marshal.

There were also present and sitting with the court:

Hon. James G. Jenkins, United States Circuit Judge
for the Seventh Judicial Circuit, retired;
Hon. Arthur L. Sanborn, United States District
Judge for the Western District of Wisconsin;
Hon. Kenesaw M. Landis, United States District
Judge for the Northern District of Illinois;
Hon. George A. 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

Jesse Holdom, Chairman.

Stephen S. Gregory,	Alfred D. Eddy,
Sidney C. Eastman,	Andrew R. Sheriff,
Chester E. Cleveland,	W. Knox Haynes,
Charles S. Cutting,	George T. Buckingham,

presented to the court a portrait of the Honorable
William H. Seaman, lately Judge of that court.

Abbott, William T.	Bundy, C. T.
Ames, Robert Lewis	Burley, Clarence A.
Adams, Asa G.	Butler, Harry L.
Adams, A. H.	Butler, Rush C.
Adams, Elmer H.	Calhoun, William J.
Addington, Keene H.	Campbell, Bruce A.
Alden, William T.	Carter, Donald M.
Allen, Charles L.	Chamberlin, Walter H.
Alling, Charles	Cheever, Dwight B.
Austrian, Alfred S.	Chritton, George A.
Bachrach, Benjamin C.	Chytraus, Axel
Bachrach, Walter	Clapp, Harry Lincoln
Bagley, William R.	Clark, Charles D.
Bancroft, Edgar A.	Clarke, Henry Love
Banning, Samuel W.	Cleveland, Chester E.
Barton, George P.	Clyne, Charles F.
Barton, Jesse B.	Cox, Howard M.
Beale, William G.	Crews, Ralph
Becker, Benjamin V.	Cutting, Charles S.
Bell, M. L.	David, Joseph B.
Belt, William O.	Davies, William B.
Blocki, Gale	Davis, Frank Parker
Bloodgood, Wheeler P.	Defrees, Joseph H.
Bobb, Dwight S.	Dent, Louis L.
Brown, Charles A.	Dixon, William W.
Brown, Frank T.	Dobyns, Fletcher
Brown, Frederick A.	Dunbaugh, Harry J.
Buckingham, George T.	Dyrenforth, Philip C.
Bulkley, Almon W.	Dyrenforth, William H.
Bulkley, C. C.	Eastman, Sidney C.

Eckhart, Percy B.	Judah, Noble B.
Eddy, Alfred D.	Keeney, Perry H.
Eddy, Arthur J.	Kennedy, Henry H.
Elliott, John G.	Kohlsaatt, Edward C.
Erwin, Louis B.	Kramer, Edward C.
Fairbanks, Charles W.	Kramer, Rudolph J.
Fairchild, Arthur W.	Kremer, C. E.
Falk, Lester L.	Lee, Blewett
Felsenthal, Edward G.	Lane, Wallace B.
Felsenthal, Eli B.	Lee, John H.
Field, E. C.	Lee, John H. S.
Fisher, George P.	Levinson, Salmon O.
Forrest, William S.	Linthicum, C. C.
Foster, Wm. Elmore	Loesch, Charles F.
Freeman, Charles Y.	Loesch, Frank J.
Freudenreich, William F.	Lyford, Will H.
Gillson, Charles B.	McIlvaine, William B.
Gillson, Louis K.	McKeever, Buell
Godman, Elwood G.	Macauley, John B.
Gorham, Sidney S.	Mack, Edwin S.
Gregory, Stephen S.	Mae Leish, John E.
Gresham, Otto	Maher, Edward
Gunthorp, Walter J.	Manierre, George W.
Hamill, Charles H.	Mann, Donald H.
Hamill, J. M.	Mayer, Isaac H.
Hanson, Burton	Mayer, Levy
Hanson, Harvey L.	Meyer, Carl.
Harding, Charles F.	Miller, Amos W.
Hart, Louis E.	Miller, George P.
Haynes, W. Knox	Montgomery, John R.
Helmer, Frank A.	Moore, Nathan Grier
Herrick, John J.	Morsell, Arthur L.
Hibben, Samuel E.	Morrison, Charles B.
Holdom, Jesse	Moses, Hamilton
Holt, Charles S.	Moses, Joseph W.
Hopkins, Albert J.	Moses, Julius
Hopkins, James S.	Munday, John W.
Hoyt, Frank M.	Musgrave, Harrison
Irving, S. C.	Newman, Jacob
Jackson, John L.	Noble, Glenn S.
Johnson, W. O.	Noxon, Gilbert
Jones, Burr W.	Noyes, George H.
Jones, W. Clyde	Offield, Charles K.

Contributors

Contributors Olin, John M.
 Oppenheim, William S.
 Pam, Max
 Parker, Francis W.
 Parker, Francis W., Jr.
 Parkinson, Robert H.
 Payne, John Barton
 Peirce, James H.
 Platt, Henry Russell
 Poppenhusen, Conrad H.
 Porter, Gilbert E.
 Pratt, Thornton M.
 Rawlins, Edward W.
 Rector, Edward
 Reed, Frank D.
 Reichmann, A. F.
 Richards, Robert W.
 Robbins, Henry S.
 Rogers, Edward S.
 Rosenthal, Lessing
 Rosenthal, Moritz
 Rummler, Wm. R.
 Scofield, Timothy J.
 Scott, Frank H.
 Scott, Walter A.
 Shaw, Ralph M.
 Sheean, Henry D.
 Sheean, James M.
 Sheridan, Thomas F.
 Sheridan, Thomas H.
 Sheriff, Andrew R.
 Sidley, William P.
 Sims, Edwin W.
 Smith, Jasperson
 Stein, S. Sidney
 Stephens, Redmond D.
 Stillwell, James
 Stone, H. G.
 Strawn, Silas H.
 Synnestvedt, Paul
 Tinsman, Homer E.
 Tobey, Waldo F.
 Tolman, Edgar B.
 Wales, Henry W.
 Ward, James R.
 Wean, Frank L.
 Wegg, David S.
 Wescott, James B.
 West, Roy O.
 Wetten, Emil C.
 Wheeler, William G.
 Wickett, Frederick H.
 Wickersham, Geo. W.
 Wilcox, R. P.
 Wiles, Russell
 Wilkinson, George L.
 Willard, Monroe L.
 Wilson, John P.
 Wilson, Francis S.
 Wolf, Henry M.
 Wormser, Leo F.

*Honorable Jesse Holdom on behalf of the Committee
and members of the Bar of the United States Cir-
cuit Court of Appeals for the Seventh Circuit,
made the presentation, addressing the Court as
follows:*

**Presentation
by
Judge Holdom**

If Your Honors Please: With your most gracious consent the business of the court is interrupted that your honors and the bar may for a few brief moments recur to the memory of one who in his lifetime was a distinguished member of this court and who sustained its honorable traditions by his learning, his humanity and the faithful, conscientious and able discharge of his arduous duties as a minister in this hall of justice.

When Judge Seaman passed to his eternal reward, the bar of this court with unanimity determined that it was fitting and right that his memory should be perpetuated by the hanging in this court room, which he adorned in his lifetime, of his portrait. Such is the high esteem in which the memory of Judge Seaman is held, that liberal subscriptions were immediately forthcoming so that the portrait here presented to-day, with another one for presentation to Mrs. Seaman, was made possible.

I now have the honor to present to the court in behalf of the subscribers, this most excellent portrait of Judge Seaman, with the hope that it will adorn these walls for many years and be an inspiration to the learned judges who now and hereafter sit in this temple of justice.

The committee has selected two of the leading members of the bar, Judge Cutting and Col. Buckingham, as their spokesmen on this occasion, and I will now ask Judge Cutting to address the court.

Address by *Honorable Charles S. Cutting addressed the Court*
Judge Cutting *as follows:*

“May it please your honors: I come before this court today representing in some small sense not only the bar of the City of Chicago, but the bar of this great Circuit, and it is perhaps fitting that on this occasion I should address you, in view of the fact that him whom we have assembled to honor I knew and valued as a friend. I had not the privilege of this acquaintance intimately until Judge Seaman became a member of this court, but I well recall the days when as a District Judge he sat in this city, and the remark is not infrequent among the members of the bar that in those days he was in most respects the best-qualified man on the bench for the trial of cases at *nisi prius*.

It is not strange that he was well-prepared, for responsibility requiring courage, determination and judgment came to him early in life. At the beginning of the great Rebellion he volunteered, and with his fellows from his native State of Wisconsin went to the front as a Union soldier.

It is not my purpose to recount the incidents of his military career, but I can but faintly portray to you in words the pleasure which was mine to hear him tell in his own simple fashion, absolutely free from ostentation or boasting, the great doings at Chattanooga and vicinity. I recall so distinctly the graphic story of how he, as an aide of General Thomas, stood beside the Rock of Chickamauga on that fateful September day at the top of Snodgrass Hill and helped hold back the victorious veterans of Bragg until Rosecranz was able to shelter his battered army in Chattanooga. And later perhaps an even more spectacular incident was his to see, when, seated on his horse behind Generals Grant and Thomas upon that rocky knoll known as Orchard Knob, he heard the order given by his chief to take the entrenchments at the base of

Missionary Ridge, and as he sat there he had the inestimable privilege of seeing the men who were ordered to take those fortifications take them and stop not until they had reached the top of that declivity up which it seemed impossible that a human being under fire could go. I recall looking down its steep sides with a feeling of awe at the achievement of human beings under the stress of battle and a feeling of pride that at the top of the ridge were monuments commemorative of the deeds on that day of seven Illinois regiments.

**Address by
Judge Cutting**

It was from a school of this character that the young Wisconsin soldier graduated. In that school he may well have learned the lesson that no task is so great, no obstacle so insurmountable that courage, fortitude and persistency will not perform the one or remove the other.

When at the close of the war more than a million men who had been accustomed to military discipline were disbanded and came back into civil life, not a few of those who had studied social conditions predicted that it was impossible for this mass of men to be reincorporated into the body politic without tremendous domestic disturbance. But Judge Seaman was a man of the type of that American manhood that made such disturbance impossible. He returned to his home and entered the practice of law; and by his fidelity to trust, his resourcefulness, and his ability he soon became known throughout his native State as one of its leading practitioners.

Though his military record was splendid and his reputation and attainments as a lawyer were of the best, he came into his own when appointed to the Federal bench. No man knew better than he that to be a judge is to be something more than an executive or legislative officer. No one more fully appreciated that the judicial position carries with it no distribution of

**Address by
Judge Cutting** patronage, no political or other policy, and no payment with favor for political assistance. In this it widely differs from administrative office, and as the distinction widens the dignity and importance of the judicial position increase.

To judge fairly between man and man is given to but few; to judge fairly and wisely between the State and its citizens is the prerogative of still fewer; but he whom we honor today did both. Though out of his ripe experience he knew well the doings and achievements of men, he did not judicially know one man above another. His prejudices, save only that righteous prejudice against wrong and injustice, were always under the strong control of his judgment, so that they never obtruded upon nor found a place in his work. He was not as some men who take counsel of their fears or their interests, but was so removed from these personal things, so lifted above them, that it might almost be said of his as of the ideal judge:

He feared neither the power of wealth nor station. He sought no personal advancement. The allurements of political power were behind him, and only the pursuit of justice for all men lay within the scope of his ambition. The clamor of the mob did not reach him, nor did the persuasive pleadings for special favor affect him. There was no unseemly seeking for public recognition. There was no explanation in private for judicial acts done in public, nor was there excuse for judgments rendered in the line of his duty. He pursued the peaceful course to which his duty called him, content that time and dispassionate criticism should be his vindication.

We build no monuments, we paint no portraits, we erect no statues, to remind us of the man we knew and loved, but to perpetuate and emphasize his virtues for those who come after us we do all these things.

To us who knew him this portrait upon the walls of the room which is so inseparably connected with his judicial history will remind us of the many virtues of our departed friend, but in after years, when we who knew him are gone, the younger generation both upon the bench and at the bar, who have received from our willing lips the story of his life, will hold the tradition of the soldier-jurist as both an inspiration and a benediction."

**Address by
Judge Cutting**



Address by *Mr. George T. Buckingham* addressed the court as follows:
Mr. Buckingham

“May it please the court: When William H. Seaman, Judge of this court, passed from the activities of this life to the silence of the great beyond, you of the bench, and we of the bar, suffered an inestimable loss.

In this Hall of Justice, we held solemn and appropriate services, that there might be written upon the records of this court, our just tribute to the memory of the great judge, and the splendid citizen; that there might be here expressed the admiration, the respect, and the esteem in which he was held by us, and in which he was held by all men.

Throughout, and beyond the boundaries of the Seventh Circuit, the public was instant to realize that it had been deprived of an invaluable public servant—of a judicial officer, whose very name had come to represent in the public mind, a standard of judicial character, integrity and ability.

Great, however, as was the loss to the public, and to the bench, it was not co-extensive with the boundaries of *our* bereavement.

The jurist, excellent as he was, may be replaced. Another may come to the seat of judgment, in whose hands the great judicial power will be safely and honorably held, as it was held by him, to whose memory we pay honor.

This machinery of justice, in the years to come, must perforce proceed without him, and we may well anticipate that it will proceed with that vigor, and that efficiency, which has characterized it in the past. All the more may we reasonably anticipate this, because Judge Seaman’s successor, whoever he may be, cannot fail to be inspired, by the judicial heritage which will be his, and by the illustrious example of his worthy predecessor, to give to this court, and to this bar, the best that is in him.

But the individual—William H. Seaman, the man—we cannot replace. That remarkable personage has passed from us forever. No longer have we among us that beneficent presence. Therefore, it was, that when the wires flashed from the far off occident, the news of our great misfortune—that dread message brought to the consciousness of every judge of this court, and of every member of this bar, the acute sensation of personal loss, and the corresponding shock of individual bereavement.

Address by
Mr.
Buckingham

He, who was with us here, was indeed a rare man. Within the acquaintance of every one, whose years and whose experiences have qualified him to participate in the activities of this high tribunal, there are many who are able and learned lawyers, a number who are just and upright judges, and a few, who are ideal friends. But, in the distribution of nature's favors, it is indeed seldom, that all these attributes are combined within one individual. Yet, I think, it may truly be said, that if there ever existed in this imperfect world, one person in whom this remarkable combination occurred, William H. Seaman was that person.

Few of those present knew Judge Seaman while he was yet at the bar. From the lips of his contemporary practitioners, we know, and it is by them written into the records of this court, that as a lawyer, he was admirable. Throughout the borders of his beloved State, long before he came to the honors of this bench, he was known and respected of all men, as one of the really great lawyers of his generation.

In that social relation, which the judge in his latter years, delighted to maintain with his Chicago lawyer friends, nothing afforded him more pleasure than the retrospect of that active period in his life, when he practiced at the Wisconsin bar.

His contribution to the activities of this court is within the domain of that recent history with which

Address by
Mr.
Buckingham

all here are familiar. He brought to this bench that great learning, and that wide experience, which are acquired and absorbed only by long and active service at the bar. He brought also to the service of this court, rugged common sense, great strength of character, and an innate love of justice. It was inevitable that a man with such equipment, and such attainments, would make for himself a judicial record, which to all his friends would be a source of justifiable pride. His judicial history is written in the reports of this court. It is a long and honorable history. There it will endure as long as men shall seek sound reasons, to support just conclusions.

Other generations of lawyers will know him by these, his judicial works; and by the imperfect appreciation of his judicial career, which his contemporaries have been able to write into these memorial proceedings.

But, your Honors, when we attempt to paint for others to see, the true picture of William H. Seaman, the man, as he existed in the mental consciousness of us who knew and loved him, we at once realize how inadequate is human language to portray character and personal qualities. Because of this inadequacy, we may not hope to leave to others any sufficient picture of that exceptional personality. It can be said with accuracy, that in his bearing as a judge, he approximated the ideal. He was firm, strong and unyielding, with all the strength of an iron character; and he was gentle, courteous, and considerate, with all the innate kindness of a golden heart.

Moreover, he carried into the amenities of every day life, and into every social relation, these distinguishing characteristics. They never left him, because they were part of him. They were the outward manifestation of a rare soul, and a wonderful character.

In his perfect dignity, was blended with perfect affability, and both were perennial and unailing.

To his friends, he was a delightful companion. He felt a deep interest in life, and in the welfare of people,

and he maintained this mental attitude of helpful interest, to the very close of his long and useful life. Even to mere acquaintances, he was an unusually pleasing and lovable personality. To every one, young and old, of high and low degree, he was ever courteous, considerate, and kind. Hence, it was that he so certainly, and so unconsciously, made friends of all who came within the radius of his personal influence.

Address by
Mr.
Buckingham

And yet with all this, he maintained always and everywhere, with casual acquaintance and with intimate friend alike, an easy, simple, natural, and perfectly poised dignity, which is wholly beyond words to describe.

A true picture of the character, personality, and individuality, of this unusual man, whom we knew and loved, we cannot write into these records for other generations to know and love. We can paint no picture which will truly reflect the outward manifestations of that noble soul.

The most we can do, to keep alive the likeness of our friend, we do here today. We present to this court his portrait. It is the creation of an artist, and so far as art can do so, it makes the eyes of mankind to see our revered friend, as we saw him. Here in this room, which was the scene of his activities, it will ever rest beside the portrait of these other great judges of this court who have passed on to their reward.

Here will it ever suggest to his associates of this court, and to the members of this bar, those pleasant associations which we had with him, in the years that are no more.

Here may the lawyers of the future, looking upon the lineaments of that strong and kindly face, gain in some small measure, and to some slight degree, a mental picture, however inadequate, of that admirable character, and that beneficent personality, which it was ours to know in life."

Response by *Acceptance of Judge Seaman's portrait by Honorable*
Judge Baker *Francis E. Baker, Presiding Judge of the United*
States Circuit Court of Appeals for the Seventh
Circuit.

“This is a beautiful and touching custom that you gentlemen of the bar have instituted and maintained. It brings us all together in close union and common fellowship. And in accepting this portrait, we of the court have wanted you to know how deeply we cherish your action and the thought and feeling that lie behind the action.

And we have also wanted you to understand and feel how, through your action, Judge Seaman from his place upon these walls will be looking upon you and upon us as we meet here from day to day, and saying: It is not important that any of you should long remain, but it is everlastingly important that, while you do remain, you should do your work to the utmost of your powers, fearlessly, faithfully, with clean hands, and with hearts devoted to justice and humanity.

The present members of the court have thought that there could be no way in which the court could show its appreciation of this occasion better than by asking an honored and beloved former member of the court to assume his old place upon this bench and to respond on behalf of the court.

This invitation to Judge Jenkins came from our continued affectionate regard for him, and we may take it that his gracious acceptance is a proof that he, too, is bound by the old ties.”

*Response to presentation of Judge Seaman's portrait
by Honorable James G. Jenkins, United States Cir-
cuit Judge, retired, and formerly Presiding Judge
of the United States Circuit Court of Appeals for
the Seventh Circuit.*

**Response by
Judge Jenkins**

“Gentlemen of the Bar: A word by way of preface. An unusual and distinguished honor is conferred by the order of this high court, calling upon a former associate to respond for the court upon the occasion of the presentation by the bar of the portrait of Judge Seaman—an honor which has deeply touched the speaker, which grants him the privilege to say a word of appreciation of one whom he esteemed and loved, and which assures him in his retirement that he still retains the kindly regard and affection of his professional brethren.

Of the judicial service of Judge Seaman, comment by me is scarcely necessary. That has been well spoken to in the memorials heretofore presented to the court, and in the addresses of members of the bar upon this occasion. His labor and his opinions are preserved in the reports, and will find their full recognition and consequence in the future, serving as landmarks which point the way to just and equitable conclusions. Perhaps he may not be deemed a pioneer in the law, blazing new paths, establishing new rules of conduct; but he faithfully followed the law as declared by the fathers, applying correctly well-settled principles to new conditions, and so, conservatively and safely, kept pace with progress. He believed in construction with safety, not destruction with anarchy. He thought the principles of law immutable, and wherein those rules of conduct had been tortured to compass wrong, he believed the proper remedy to be, not to overthrow the principles of law, but to condemn and correct erroneous application. And so, holding the helm steadfast to the Polar Star of right, he would correct the error without

**Response by
Judge Jenkins**

the sacrifice of principle. In a word, he believed that anarchy is no proper remedy for wrong; that liberty, not license, should be maintained; liberty regulated by law; that the safety of the State lay in adherence to constitutional law.

As a judge he was eminently just and absolutely incorruptible. His mind was cast in the broad mold of equity. He sought the right, he abhorred fraud and was not slow to uncover and condemn it. He was a diligent student and a patient listener, giving close attention to every lawyer-like argument. In consultation he was considerate of the feelings and opinions of his associates, but when fully convinced, was firm and unyielding. He was, however, careful to ascertain if he had reached a just conclusion. In personal intercourse with the bar he was cordial and pleasant. He could be both a judge and a gentleman, but he never forgot his dignity as a judge, nor tolerated undue familiarity. In private life he was a most lovable man, kind, gentle, self-sacrificing, tolerant, trespassing upon the rights of no one, modest, retiring, non-assertive of self. As a neighbor and personal friend he will long be held in loving memory by all who were favored with his friendship.

In the early spring I was with him in the land of sunshine and of roses. He employed his time in the writing of opinions in causes argued in this court and assigned to him. In parting with him a few days before his death, he told me that with a single exception he had finished opinions in all his cases, and would write the excepted case upon his return to Chicago. 'And now,' he said with boyish glee, 'I shall take a vacation and have a good rest.' Ah yes, dear judge, the long vacation—rest from labor—rest for him who had fought manfully the battle of life and was wearied; but the rest which cometh in 'the dreamless sleep that kisses the eyelids down.'

It is well, Gentlemen of the Bar, that you place upon the walls of this Temple of Justice wherein our friend labored for many years, this portrait of him. The act is in graceful recognition of his worth and is honorable to the bar, testifying to their appreciation of faithful, honest labor, of a manly man and a just judge. It will there remain, a reminder to the youthful advocate that professional success may only be attained by diligent study, by faithful devotion to duty and by honorable professional conduct. It will encourage those of middle age to firm adherence to professional ethics, to continuance in the straight and narrow way of professional honor, to renewed and continued labor and study. It will inspire those of us who have passed the meridian and whose faces are turned to the sunset, with unfaltering courage, day by day, and until the end shall come, to faithfully discharge the duty which confronts us.

**Response by
Judge Jenkins**

And so he, being dead, yet speaketh; the influence of his life abiding and availing for rectitude of life, for high professional attainment, for good citizenship and for manly conduct."

