

MEMORIAL SERVICES

HELD IN THE SUPREME COURT OF ILLINOIS AT THE DECEMBER TERM, 1934, ON THE LIFE, CHARACTER AND PUBLIC SERVICES OF HON. FREDERIC R. DEYOUNG, DECEASED.

At the hour of nine o'clock A. M., December 12, 1934, other business having been suspended, the following proceedings were had:

Mr. CHIEF JUSTICE JONES:

This is the hour fixed for the presentation of a memorial to the late Justice Frederic R. DeYoung. Hon. James S. Baldwin, President of the Illinois State Bar Association, will present the memorial.

Hon. JAMES S. BALDWIN:

May it please the court—Once more we are impressed with the ravage of time and the wreckage it leaves in its wake. We meet to-day to offer a testimonial in memory of the passing of an eminent member of this court.

Judge Frederic R. DeYoung was a member of the Chicago Bar Association and of the Illinois State Bar Association, both organizations constituted for a common purpose, and we unite to-day in honoring this distinguished personage by presenting this memorial. It has been assembled and prepared by close friends and associates of the deceased:

"FREDERIC R. DEYOUNG—1875-1934,

"Frederic R. DeYoung was born on September 12, 1875, at 359 West Fifteenth street, near Blue Island avenue, Chicago. During the early years of his life he lived at various addresses on the

west side of Chicago. When he was five years old his parents moved to Roseland, which is on the south side of Chicago. He attended the Christian School there and also the Brennan School. A few years later the family moved to South Holland, a village in the southern part of the county, and Judge DeYoung's common school education was continued here. He often told his playmates he was going to be a judge.

"In 1887 the family moved back to the west side of Chicago. Judge DeYoung then left school and went to work for a Mr. Krueger, a jeweler on the west side, at the small salary of two dollars a week. His employer entrusted money and valuable jewelry to his care, as he often carried such valuables to the loop by street car. Later he worked as water-boy for sewer contractors. In 1890 his family returned to South Holland, and at that time Judge DeYoung secured employment with the Pullman Company as errand boy and time-keeper at a salary of \$45 a month. In 1891 he was offered an increase of \$15 a month if he would remain with the company, but he decided to continue his education and entered the Bryant & Stratton Business College. In 1892 his father sent him to Europe. He returned much improved in health and in 1893 entered Valparaiso University, graduating therefrom in 1895 with a B. S. degree. He next entered Northwestern University School of Law, and was graduated from that institution in 1897 with an LL. B. degree. In June, 1927, this same university conferred on him the degree of LL. D.

"While attending Valparaiso University he met Miriam Cornell, of Boone Grove, Indiana. In 1901, on the occasion of his twenty-sixth birthday, he married her, and thereafter they resided in Harvey, a city in the southern end of Cook county, until 1925, when Judge DeYoung and his family moved into the city of Chicago, and they lived there until the time of his death. Besides his wife, Judge DeYoung left him surviving his son, Herbert, a practicing attorney; his daughter, Ruth M., a member of the staff of the *Chicago Tribune*; his mother, Mrs. Peter DeYoung, now eighty-four years old, and one sister, Kathryn DeYoung. His mother and sister still reside in South Holland. His father and two sisters pre-deceased him.

"On October 11, 1928, when Judge DeYoung was chief justice of the Illinois Supreme Court, his son, Herbert, was admitted to

practice. It was the first time in the history of the court that a son of a sitting justice had been admitted to practice when the father was chief justice. In January, 1929, he administered the oath of office to Gov. Louis L. Emmerson.

"Prior to and after his admission to the bar Judge DeYoung was associated with I. T. Greenacre, who recently celebrated his fiftieth anniversary as a practicing attorney. During the course of his practice he was at various times associated with Louis J. Pierson, former member of the Illinois General Assembly from the Seventh Senatorial District, Robert J. Slater, Edwin W. Sims, Albert C. Welch, Elwood G. Godman and James S. Handy, respectively. Of this group Sims and Handy alone survive.

"Judge DeYoung was elected city attorney for the city of Harvey in 1907 and was re-elected for two additional successive terms, ending that service in 1919. In 1914 he was elected a member of the Illinois General Assembly from the Seventh Senatorial District and re-elected in 1916. In 1918 he was the republican nominee for judge of the probate court of Cook county, being defeated in the election, however, by the incumbent, Judge Henry Horner. It is interesting to note, however, that both he and Judge Horner were later elevated to the highest State offices in the judicial and executive departments, respectively. On January 9, 1919, he was appointed first assistant attorney for the Sanitary District of Chicago and served until November 1, 1920, when he resigned. In 1921 he was appointed judge of the circuit court of Cook county, Illinois, by Gov. Frank O. Lowden, to fill the vacancy caused by the resignation of Judge John P. McGoorty. In 1922 he and Amos C. Miller were elected delegates to the constitutional convention from the Seventh Senatorial District. In 1922 he was elected a justice of the Supreme Court to fill one of the places created by the new constitution. The election was of no effect, however, because the constitution failed of adoption by the voters. On November 6, 1923, he was elected a judge of the superior court of Cook county and served in that capacity until his election to the Supreme Court of Illinois, on June 2, 1924. In June, 1933, at the completion of his first term, he was re-elected, receiving the endorsement of both major political parties.

"Mr. Justice Frederic R. DeYoung died in Chicago November 16, 1934."

Thus are simply chronicled the principal events in the life and achievements of our friend. Purposely there has been avoided in it fulsome words of praise and appreciation of the great service he has rendered this commonwealth. This memorial was intended as a tribute to him as a man rather than as a public servant. That privilege will be carried on more fittingly by those who shall follow. It was the design of those who prepared it that the rugged facts of life should stand out in bold relief, so that generations yet to come may draw therefrom, without embellishment, an inspiration and encouragement to follow in the paths that he has trod and make their own contribution because of his illustrious example.

May it please the court—I move that this memorial be spread upon the records of the court.

MR. CHIEF JUSTICE JONES:

The court will now hear from Mr. Charles P. Megan.

MR. CHARLES P. MEGAN:

May it please the court—I speak to-day for the bar of Judge DeYoung's city, within whose environs he was born and lived and labored and ended his days. For us the scene is out of perspective; objects appear in wrong relation with each other; near and far are confused, and great and small. We are not in a mood to-day to appraise the future of his fame, to draw comfort from reflections on the race well run, the certain rewards that follow a good and useful life, the glory that is to come. What we feel is the pain of loss; sad thoughts of bereavement; that the place that knew him will know him no more; that we can never again go to him for counsel and aid; that his voice will no more be lifted up for the righteous cause; that the heart which so loved his fellow-men is stilled forever.

There was something about Frederic R. DeYoung that set him off as no ordinary man. A lifelong friend tells us that Judge DeYoung as a young lawyer was much the same man that we knew in his mature years. He always had that gravity of demeanor, that seriousness of purpose. He had upon him the visible mark of a man destined for great things. All his early life was a preparation—although, perhaps, he knew it not—for the great career whose

end has now saddened us. Carlyle said that we cannot read a biography with understanding unless we have a picture of the subject—some sort of likeness—so that we may look upon his face and see what manner of man we have before us. Judge DeYoung's features are known to multitudes throughout the continent, and it is our good fortune to have him truly represented, his noble character and his kindness of heart shining clearly forth, showing him for what he was: every inch a judge.

With all his learning, with all the honors to which he was called, Judge DeYoung had the heart of a child. He loved the simpler things of life—the too often interrupted evenings with his family, a congenial group, of all the talents; the reading of what great men have written; the talks with friends. Between terms of court, at the noon recess, he did not seek out the rich and powerful, but went to the common meeting place of the bar and broke bread with a tableful of lawyers, who there talked little of law but much of life on all its sides. He exemplified that "harmony and affection in social intercourse, without which [as Jefferson once wrote to a friend] liberty, and even life itself, are but dreary things."

Judge DeYoung's experience on the circuit and superior courts of Cook county gave him an appreciation of the circumstances surrounding the trial of a case in the court below which greatly influenced both his opinions themselves and the form and spirit in which they were drafted, and augmented the respect of lawyers and litigants, and of the trial courts, for the judge who entered so sympathetically and with such understanding into the difficulties inherent in the trial of a lawsuit. This was but one of the three-fold special advantages he had in his work on this court, for, besides trying cases at the bar for a long term of years, he had presided in trial courts, he had participated actively and as a leader in the actual work of legislation, and he had seen a constitution in the making. In every contact the bar knew him ever as the high-minded judge. Whether it were a committee on character and fitness, charged with the duty of keeping out the unfit; or a committee on legal education, approaching the same problem from another side; or a committee on grievances, dealing with those of our members who are unfaithful to their high trust; or any

other group of lawyers at work on the betterment of their profession and the service of the public—the bar always found in Judge DeYoung not simply a passive well-wisher but an active co-worker, accepting the bar's help and sharing the bar's responsibility. And, just as he had confidence in the bar, so always did the bar have full trust and belief in him, expressing this trust and belief most cordially whenever opportunity offered.

In the American constitutional scheme the judge of a Supreme Court, national or State, has a position of tremendous power and corresponding responsibility. There are ever-present possibilities of a rift between the branches of government, but all goes well because the several departments are ordinarily headed by men of good will. This is an intensely personal problem, and we can only felicitate the commonwealth when it has the good fortune to place upon the supreme bench a judge with that fine combination of ability and good sense that so especially characterized Judge DeYoung.

One may be permitted to borrow a sentence from one of those great addresses to which Judge DeYoung would resort for the refreshment of the spirit: "The world will little note nor long remember what we say here, but it can never forget what he did here." Two of Judge DeYoung's opinions will always be mentioned when his name comes up—the two cases which did so much to simplify and expedite criminal trials in Illinois without abating a jot of the safeguards the law has thrown around the defendant. These cases were ably presented. In one of them—a *mandamus* suit for the expunging of an order of court—the respondent judge appeared in person before the bar of this court and argued orally in support of his ruling below. In the case in question, in 340 Ill., this court, overruling decisions that dated back forty years, held that "the defendant in a criminal prosecution, whether the charge be a felony or a misdemeanor, has the power, upon a plea of not guilty, to waive a jury trial." In the other case, in 343 Ill., this court declared unconstitutional, as an impairment of the guaranty of a true trial by jury and an encroachment by the legislative upon the judicial branch of government, a statute more than a century old which attempted to make juries in criminal trials judges of the law as well as of the facts. In each of the two cases the opinion was written by Judge DeYoung.

Professional opinion has put these cases in their true place, in which the whole scene must be considered—judicial decisions, statutes, the thought of modern criminologists, the practical necessities of the administration of criminal law, the current of opinion among lawyers, history, social trends—everything that goes to make up a great new judgment of a supreme court. But in the very center, at the point of leadership, we see the judge whose eye with a wide sweep takes in the field of battle, and who with swift insight dares to clear the way for the protective forces of society along a new line of attack against the public enemy. These are the cases that made Judge DeYoung famous throughout the land. But his reputation with the bar rests on a deeper foundation. We see in these judgments the fruition of long years of judicial thinking on a high level, the triumphant proof to the world that our estimate of this man was a true one: that he, who never felt himself above performing his common duties, the run of the day's work, with faithful care and attention, could rise, when occasion demanded, to the higher realms of the judicial office, was alive to the needs of the times, and was a true liberal and progressive; a master of the law and a jurist of the first rank.

Special mention may perhaps be allowed of a case before this court several years ago in which a Federal statute was to be construed. Judge DeYoung stood alone for a certain view. It was gratifying to his friends when a few months later the same statute came before the Supreme Court of the United States on review of a judgment from another State, and Judge DeYoung's view was that declared, through Chief Justice Hughes, by the highest court of the land. Judge DeYoung also wrote the early and widely influential opinion in the first case under the Illinois zoning statute—one of the principal authorities later relied upon by the Supreme Court of the United States in its leading case. These and more than four hundred other opinions of Judge DeYoung appear in forty-six volumes of the Reports of the Supreme Court of Illinois. It is obvious that no detailed comment on them is possible on this occasion. They are known for their uniformly high legal quality and their simple clearness of expression, but above all for their manifest respect for principles—legal principles

and moral principles. Such a man makes it easy for us to comprehend the religious origin of the office of judge—an element that has never been quite lost from the public mind. The father-in-law of Moses said to him: "Moreover thou shalt provide out of all the people able men, such as fear God; men of truth, hating covetousness, * * * and let them judge the people." And Moses charged the judges, saying: "Ye shall not respect persons in judgment, but ye shall hear the small as well as the great; ye shall not be afraid of the face of man." Such was the man that we have had on the judgment seat for these ten years and have now lost.

We never had an opportunity to find out how far Judge DeYoung would go in defense of the right, for he never came to the end of his resources; he was never conquered; he never gave up. For all his gentleness, no man dared tempt him or threaten him. But we can guess what a contest that would have been, with all that he held dear in life at stake, if he had been driven to it. When all seemed lost and the invader was at hand, overpowering, irresistible, his ancestors looked a last time at the fair fields and gardens lying below them, turned their faces away from the homes they loved, and let in the sea.

So scrupulous was Judge DeYoung in his honor, so careful of the judicial proprieties, that in cases where his son appeared as counsel the father would take no part, and the record would so show. See, for example, 353 Ill. 240. Chief Justice Hughes did the same thing in the brief period between the father's taking his place on the bench and the official acceptance of the son's consequent immediate resignation as solicitor general of the United States.

Duty has its victims, too. The Seventh Supreme Court District is a stern taskmaster. Within its five counties lies the State's great commercial metropolis, with all the problems that go therewith. Most of the cases that reach this court originate in this district, where more than half the population of the State lives and much more than half its commerce is carried on. The business of the judge of the Supreme Court for the district, between terms, is appalling in its bulk but still more in its nature. What man can endure indefinitely the pressure of examination of long records in

cases where a *supersedeas* is asked to stay judgment in a felony case, involving the liberty—often the life—of a human being? Ten years of this for a hard-working and conscientious but humane judge had the only result—a result that was feared and anticipated by his friends. But their words of warning, their earnest entreaties, were of no avail.

The court to which Judge DeYoung was so devoted, which meant so much to him, absorbed his life more and more as years went on. He had the interest of a scholar in legal erudition. He let himself into the current of modern judicial thought, putting resolutely behind him any temptation to be ultra-conservative, as likely to shade off into the reactionary; followed the work of the American Law Institute from its beginning, at first attended its meetings, and never ceased to study its publications; read the lives of eminent lawyers and judges; addressed audiences of students, lawyers and citizens. Just as no man was so accessible to the public as he, so no man was so gracious in appearing before the innumerable groups who desired to see and hear the judge of whom they had heard so much, and nothing but good. But, more than anything else, he loved to talk about this court, its history, its work, its difficulties, its achievements, bringing it home to his hearers, making it for them a living institution, showing them its great place in the frame of government, in the life of the State and its people. His labors for the court were without cessation. He was at work early and late, in term and out of term, and the strain was more than even his rugged frame could bear. He gave his life for the State as truly as any soldier has done. The old Scripture came to pass: "The thing that thou doest is not good. Thou wilt surely wear away, * * * for this thing is too heavy for thee; thou are not able to perform it thyself alone."

A cloud of sorrow for our personal loss envelops us, and our sight is obscured. But it is mercifully ordained that Time, the healer, assuages grief, and gradually there will come into our view, against a background of friendship and the associations of years, the figure not of a beloved personal friend, only, but of what the world will know for a statesman and a great judge.

MR. CHIEF JUSTICE JONES:

The court will now hear from Mr. Charles H. Hamill.

MR. CHARLES H. HAMILL:

May it please the court—On the 12th day of September, 1875, in a rather poor part of Chicago's West Side, a boy was born, soon to be named Frederic Robert DeYoung. His parents, natives of Holland, were simple folk in humble circumstances but of staunch character and thrifty habits. During the boy's early childhood the family moved repeatedly in or near Chicago, so that his schooling was, at best, but haphazard, and when he was twelve it ended and he became a messenger boy in a jewelry shop with wages at two dollars per week. He later served as a water-boy for a sewer contractor, and at the age of fifteen was a time-keeper for the Pullman Company at \$45 per month. When he was sixteen, despite an offer of higher wages, he left this position to go to a business college. Here he applied himself with such zeal that his health failed and a long rest was indicated. An appreciative family made the sacrifices needed to send him to Europe, whence he returned so far restored that in 1893 he resumed his studies in the Northern Indiana Normal School at Valparaiso, where two years later he was given a B. S. degree. Two years more of study, this time in Northwestern University Law School, brought him an LL. B. degree and equipped him for admission to the bar.

At the age of twenty-two, after only five years of formal schooling since his twelfth year, Judge DeYoung entered upon the practice of his profession. If these were all the facts the start could not be called promising, but in those years out of school he had learned to discipline himself. From his childhood he was serious and studious. There was not much play in his youth. As a little lad he had told his playmates that he was going to be a judge when he grew up, and this thought seems to have abided with him. Perhaps the idea was suggested by admiration for his father, who by then had become a justice of the peace. Before and after his admission to the bar he worked in the office of I. T. Greenacre, Esq., an experienced, painstaking, industrious lawyer, who encouraged the studious habits of his assistant. Three years after Judge DeYoung's admission his name appears for the first time as counsel in this court. In *People v. Town of Thornton*, 186 Ill. 162, he was one of the attorneys for defendant in error, and, though he did not prevail, Justice Magruder, writing the opinion of the court, said

that the arguments of both sides on a constitutional question discussed were "able and ingenious." During twelve of his twenty-four years at the bar he served as city attorney for the city of Harvey. He appeared as counsel in twelve cases in this court and was a successful practitioner in all the courts of his home county, trusted by clients, respected by judges and feared by opponents.

Deep as was Judge DeYoung's interest and prolonged as were his studies in law, his mind was not alone preoccupied by the law of his own cases. Early in life he began to think of law as a regulator of society, and his interest in law in this broader aspect deepened as life advanced. He served two terms in the General Assembly of this State, and in the deliberations of that body proved himself a wise and upright legislator, a keen debater and an eloquent speaker. After his second term in the legislature he was his party's nominee for judge of the probate court of Cook county, but was defeated by one who had in past years given fine service in that position and is now in the highest executive office of the State. A year later his district chose him as one of its two delegates to the Constitutional Convention, where, with some interruptions, he labored from early January, 1920, until September, 1922, in an effort to frame a constitution for the State which would better its people. There he was made chairman of the Committee on Judicial Department, charged with the high duty of proposing the organization of the courts of this State. Here was an undertaking congenial to his tastes and fitted to his talents. With much study he informed himself upon courts and procedure in many jurisdictions and with great patience heard and considered many suggestions. It is but a fair tribute to that committee to note that when Judge DeYoung presented its report, though more than half of the delegates were lawyers, there was practically no debate upon any of the recommendations save two, and those two dealt with the composition of this court and the selection of judges for the Appellate Court and did not deal with the jurisdiction or manner of functioning of any court. The provision that "the Supreme Court shall have exclusive power to prescribe rules of pleading, practice and procedure in all courts," etc., clearly foreshadows Judge DeYoung's views as declared in his opinion, speaking for

this court, in *People v. Bruner*, 343 Ill. 146, and in his dissenting opinions in *People v. Kelly*, 347 Ill. 221, and *People v. Scornavache*, id. 403, 417.

It was my good fortune to be seated in the Constitutional Convention almost next to Judge DeYoung's desk, so that he and I could, and did, exchange views informally, and I could observe his approach to each problem as it arose. No member of that body was more dutiful in attendance, more attentive to its proceedings, more industrious or faithful in committee service, more incisive in debate, more eloquent in defending his views or more wise in deliberations. He won, and held, the admiration and confidence of his colleagues. The constitution he helped to frame failed of approval at the polls, and so his election to one of the additional positions in this court provided for by that instrument was of no effect. But a year and a half later, during which he served briefly as a judge in each of the circuit and superior courts of Cook county, he was elected a justice of this court and took his seat at the June term, 1924. Here he served for a little over ten years—with how much ability and faithfulness is known to your honors and to all the bar of this State. His opinions, beginning with that in *Maulding v. Skillet Fork River Outlet Union Drainage District*, 313 Ill. 216, and ending, so far as published, with *People v. Stony Island State Savings Bank*, 358 Ill. 118, numbering 432, appear in forty-six volumes of the Illinois Reports. No words of mine can add to the repute of him who wrote those opinions. They are there to proclaim for all time their author as a man of patient research, infinite industry, accurate thought, moral courage and clarity of expression, and, above all, as a judge with a deep and abiding love of justice under law.

We do well to honor the memory of Frederic R. DeYoung. It is on such as he that rest faith in man's future and belief in our government. No republic can long endure without a high level of intelligence and morality in its people, and no better justification of republican principles can be given than the spectacle of one without wealth or influence rising to a position of power and using that power not for self-aggrandizement but for the benefit of his country. Just such a man was Frederic R. DeYoung. Early in life the principles of sound statesmanship engaged his interest,

and to ponder them and make them his own was his life's work. Edmund Burke was his model—almost his idol. He studied his works, revered his philosophy and strove for his style. If at times the long-meter prose of Burke sounded a bit anachronistic in this staccato age, the sentiments uttered could be untimely in no age, for they dealt with eternal verities. As Burke sympathized with the American colonists in their struggle for freedom and condemned the French revolutionists for their frenzied rebellion, so Burke's disciple held close to his heart man's aspiration for liberty and spurned from his intellect every false notion offered by the scheming or the ignorant, which, on the pretense of relieving an evil, in his judgment involved a departure from sound principle and threatened ultimate disaster. A close student of history, he knew that the indirect, unforeseen consequences of measures are frequently evils worse than those sought to be cured, and so approached every change with caution but never with timidity. He was never the opportunist. His eye was on the future. Compassionate to weakness, he did not use his sympathy with the unfortunate to cloak envy of the fortunate. As legislator he made law for man, not for class; as judge he declared law as justice, not as mercy or revenge. Himself a man of modest means, without ambition for wealth and free from wish for luxury or show, he was not beguiled by such clap-trap expressions as "human rights against property rights," for he knew that all "rights," in law, are human rights. Before his judicial eyes marched the great pageant of mankind—young and old, rich and poor, strong and weak, evil and good; and his eyes were tender and compassionate, for he understood their temptations and their frailties. But sentiment did not deceive nor fears betray, and abiding faith in the righteousness of law controlled his judgments and he was just.

Frederic R. DeYoung—sound scholar, righteous man, just judge, loved friend. We honor his memory. May his spirit guide us—"who had done his work and held his peace and had no fear to die."

Mr. CHIEF JUSTICE JONES:

The members of this court who have lived to survive Judge DeYoung join with me in sincere approbation of the sentiments expressed in the memorial and by the distinguished members of the bar who have delivered addresses upon this occasion. It is,

indeed, comforting for the living, to know that one whose ability, integrity and devotion were marked characteristics of the man will be remembered and recorded in the annals of history after he has gone. The highest reward a judge can receive, next to the approval of his own conscience, is the regard and esteem in which he is held by the members of the bar. None are so competent to judge of his worth; none are so well acquainted with his zeal, his fairness and professional learning as they.

It is with a sense of sincere regret that we contemplate the loss of our fellow-member. The uncertainty of human life looms up ever before us and seems to make all human achievements futile and worthless. But this is only apparently so. Men pass away, but their works endure. The body may be laid in the grave, but the rich legacy of lessons and influences of the life of a good, brave, honorable man remain to us and our children. The powerful, yet silent, influence of such a life bears continued harvests, which death cannot destroy.

There is seldom anything in the career or in the performance of the duties of a judge calculated to arouse the enthusiasm of many people. The reputation, and even the fame, of a jurist largely depends upon written opinions, which are seldom seen except by members of the legal profession. The value of his work lies in the soundness and justice of his decisions. The effect of decisions of courts of last resort cannot be over-estimated. They constitute the rules which govern and control the lives, careers and fortunes of multitudes of people. The influence of righteous decisions adds to the peace, protection and happiness of mankind.

The character of Judge DeYoung was as the open day. Neither darkness nor shadow rested on it. Like a landscape, its varied features were plainly seen. There was nothing hidden that should be revealed; there was nothing concealed which should be known. Rock-ribbed by integrity, his conduct was ever just and honorable. The page of his life was clearly written and without blot or stain. His record is unchallenged. The breath of suspicion and the shafts of obloquy could not reach it, the rancor of aspersion could not touch it. He was a true, honest and capable man.

In our strenuous American life, which is boiling over with vast activities, keen competitions, boundless aspirations, new problems

and startling changes bursting unannounced upon the scene, we must, of necessity, dwell in perpetual conflicts of opinion. These conflicts must be followed by settlements. In the very nature of things they must not be permitted to long continue. To solve the problems right, requires learning, erudition, patience and generosity. These are essential qualifications of a jurist. Judge DeYoung possessed them all in a remarkable degree. Few men have been endowed with a more genial disposition. Long hours of diligent study, oft-times when nature would have commanded that he rest, gave him a recognized fund of knowledge of the law and the law's purposes. The environments in which he was reared, the struggles which he encountered in youth and early manhood, the endeavors which were necessary for his success, made him a practical man. They gave him a splendid conception of the two primary purposes for the existence of civil law, namely, the rights of persons and the rights of property. His opinions show a fine sense of their relative proportions. While he did not hesitate to place a higher value upon the rights of persons than he did upon the rights of things, nevertheless he never failed to recognize the necessity of the preservation of true property rights. He understood business and business principles—things necessary to any really great lawyer. He was not troubled with illusions nor bound by theories. He was a master workman and engaged himself in digging trenches and leading the assault against those who would destroy our cherished traditions. He was strong in his beliefs, courageous in his convictions, persuasive in his arguments and unyielding in his sense of right and honor. He knew that greatness does not flow from chance nor from a mere happy combination of events, but that it comes from unwavering determination, clear perception and ceaseless toil.

Judge DeYoung gave to his State all of his splendid abilities, freely and without complaint. He has left a record of valuable service—a name respected and revered. And at the last, when he faced his own approaching dissolution, when the soul makes the awful inquiry that most affects all that live and die, I am sure he smiled with the fortitude and hope of the hero that he was. Then he penetrated a cloud and passed beyond the curtain. The great mystery which mankind for generations and generations has struggled with in vain was to him made clear.

To his wife and children our sincere sympathy is extended. Consolation will come, as it must, from the assurance that he was a power among men for wisdom, justice and right.

The memorial presented by Judge James S. Baldwin on behalf of the Illinois Bar Association, together with the addresses appertaining to it, shall be spread at large upon the records of this court, and an order therefor is hereby entered. The reporter of this court is directed to publish the memorial and addresses in our printed Reports.

And now, in respect to the memory of our departed associate, this court stands adjourned until nine o'clock to-morrow morning, and the marshal will make the proclamation.

REPORTS
OF
CASES AT LAW AND IN CHANCERY

ARGUED AND DETERMINED IN THE
SUPREME COURT OF ILLINOIS.

VOLUME 359

CONTAINING CASES IN WHICH OPINIONS WERE FILED IN DECEMBER,
1934, AND FEBRUARY, 1935, AND CASES WHEREIN REHEARINGS
WERE DENIED AT THE FEBRUARY AND APRIL TERMS, 1935.

SAMUEL PASHLEY IRWIN,
REPORTER OF DECISIONS.

BLOOMINGTON, ILL.
1935