

IN MEMORIAM:
JOHN SCHOLFIELD.

PROCEEDINGS

HAD IN THE SUPREME COURT OF ILLINOIS, ON TUESDAY, THE 28TH DAY OF MARCH, 1893, AT OTTAWA, BEING OF THE MARCH TERM, 1893.

The Hon. JOHN SCHOLFIELD, one of the Justices of this court, died at his home in Marshall, on the 13th day of February, 1893.

At the March Term, 1893, of the court, held at Ottawa, on Tuesday, the 28th day of March, the following proceedings were had, the following members of the court being present: JOSEPH M. BAILEY, Chief Justice; and BENJAMIN D. MAGRUDER, DAVID J. BAKER, JACOB W. WILKIN, ALFRED M. CRAIG, SIMEON P. SHOPE, Justices.

Hon. WILLIAM A. VINCENT addressed the court:—

IF YOUR HONORS PLEASE:—In all my professional career as a lawyer and as a judge, I have never been called upon to perform any duty the discharge of which has been undertaken with such trepidation, such humility, and such reverence as that assigned to me to-day.

How few of us are worthy of unlatching the shoe strings of the distinguished jurist, who moved among us so long, whose genial presence tinted the currents of our lives with glowing sunbeams, and bound our hearts to him with links of steel. As the weeks pass into years the memory of his great work as a member of this august tribunal will brighten, and when we fully appreciate the loss the bar, the bench, the state, the nation have sustained, we feel that at each remove we drag a lengthened chain.

Demosthenes said to the Athenians, "You are the only people who have state funerals, and funeral orations in which you glorify brave men. Such a custom is that of a people which admires virtue, and does not envy others who are honored for it." If the Greeks honored brave men and good men, it is to our credit that we honor and revere the names of our learned and just ones, and I apprehend that no apology or explanation is required for the solemn services of to-day.

It is true that

"Earth's highest station ends in 'here he lies,'
And, dust to dust, concludes her noblest song."

But the memory of Justice JOHN SCHOLFIELD will endure so long as the judicial system of the State of Illinois remains a part of the civilization of the world, and these tributes to his worth cannot add to the proud name he has left for his children. They are simply the evidence of what already exists. The people of this state have been a great jury sitting upon his life, and the unanimous verdict is that in all things he was found worthy and well qualified.

You knew him better than we did, but we can appreciate how his wise counsels, his experience, and his calm, deliberate judgment must be missed in your conferences. We knew him as a judge, you knew him as a man, but the judicial temperament was born in him and was such a part of his nature that we both knew him alike.

His frank, open, manly face was a true index to his soul. It was a strikingly strong and handsome one, and full of expression. His presence was dignified and commanding, yet he was as modest as a girl, as simple, unassuming and approachable as a child. His private life was singularly sweet and good, and his long public life an unsullied page. He despised all hypocrisy, all shams, all false pretenses. His heart was pure and guileless; no one could imagine him capable of deceit. All who came in contact with him were compelled to respect his genius and admire his character. As a man he was sincere, sympathetic, soulful; as a citizen he was patriotic; as a practicing lawyer he was brilliant, and unwavering in his devotion to the interest of his clients. He never lowered the high standard of the profession, and expected of every member of the bar his own chivalric idea of fidelity.

As a judge he was wise, conservative, courageous. To younger lawyers he was considerate, and never missed an opportunity to encourage them. I have cause to always remember his gracious manner and kindly words to me when I was admitted to the bar fifteen years ago, and it is a matter of pride with me that my license to practice bears his signature. His death is to me a personal loss. His modesty was perhaps his most distinguishing characteristic, and it seems almost beyond belief that in this age of struggle for power and preferment such a talented and capable man as Judge SCHOLFIELD should refuse to accept the highest judicial position in the world, because he did not feel himself qualified to discharge its responsible duties, but it is generally understood that he did this.

As we stand here on this solemn occasion, not knowing which one of us may be next to be summoned to a still higher court, it is natural we should review his life, and resolve to so govern our own that when our associates assemble to pay their last tributes to us, they may say of us, as we can say of him, he so lived that when he died he had love, honor and troops of friends. Hail, brother, and farewell!

The committee selected by the members of the bar of the state at large to prepare suitable resolutions, have honored me by choosing me to present them to this honorable court; it is now my melancholy privilege to do so, and to move that they be spread upon the records of the court.

At a meeting of the members of the bar of the State of Illinois, held in Marshall, Clark county, Illinois, on the 16th day of February, A. D. 1893, the Honorable Jesse J. Phillips, Chairman, Judge Richard Prendergast, Judge L. C. Collins, Judge Monroe C. Crawford and R. C. Harrah, Esq., were appointed on behalf of the bar of Illinois to draft a memorial and resolutions, and cause them to be presented to the Supreme Court of Illinois, and the Appellate Courts of Illinois, and the Federal courts in this State, which committee reported the following:

Judge JOHN SCHOLFIELD was born on a farm near the town of Martinville, Clark county, Illinois, August 1, 1834. His early educational advantages were such only as were furnished by the country schools of the times; but in the pursuit of knowledge he manifested that great industry which characterized him throughout life. His parents died when he was fifteen years old, and thereafter he was thrown largely on his own resources. In 1851 he entered the academy at Marshall, Illinois, and remained in attendance there until 1854. He graduated from the law school at Louisville, Kentucky, in March, 1856, and formed a partnership with the Honorable J. C. Robinson the same year. He was also that year elected State's Attorney for the Fourth Judicial Circuit, which then consisted of ten counties. In 1860 he served one term in the Legislature of this State, and in 1869 he was elected without opposition to represent the counties of Cumberland and Clark in the Constitutional Convention, and took conspicuous part in framing the constitution of 1870. The same year he was appointed General Solicitor for the Vandalia Railroad, which position he resigned in 1873, when he was elected to the Supreme bench to fill the vacancy occasioned by the resignation of Judge Anthony Thornton, where he remained until his death, having been twice re-elected without opposition.

From the time he entered public life the people had unbounded confidence in his official integrity. When he rode the circuit with the Judge, his presence at each court was hailed with delight. Each prosecution was an honest one, conducted solely with a view that justice might be done.

As a lawyer he served his client with fidelity and treated the opposite counsel with the greatest courtesy and fairness. Long before he was elevated to the highest court in the State, his reputation as a lawyer was the pride of the people where he practiced and was known. He grew in the days of the circuit rider, but he kept abreast of the times, and his reputation extended beyond the confines of his State.

As a jurist his opinions are quoted as authority in all the courts of the Union, and his words live after him. No man of his day had a keener sense of responsibility and of the duty he owed the public than he; and it is within the knowledge of members of his profession that this sense of responsibility impelled him to work long after his health became impaired, and hastened his death. His whole life was in keeping with the scriptural injunction, "Work while it is called to-day, for the night cometh when no man can work." His motto was to know the right and to do the right. How well he lived up to this ideal is evidenced by the universal expression of regret called forth by his death.

He was a student and a man of strong intellectual powers. In thought, word and action, he was an ideal judge. The law's delay found in him no advocate. His reputation and fame as a lawyer and judge were great; but his devotion and loyalty to his friends, neighbors and family endeared him, as no professional eminence could, to those who knew him best and longest. To his early friends he was always "JOHN SCHOLFIELD." He died like a hero—a martyr to duty—full of honor, with a name that is a heritage of the people of the State he so faithfully served.

Be it Resolved, That a copy of this memorial be furnished to the family of Judge SCHOLFIELD in token of the high esteem in which he was held by the bar of Illinois, and of their sympathy with them in their bereavement, and that copies hereof be presented to the Supreme Court, the Appellate Courts, and the Federal Courts of this State.

Honorable THOMAS A. MORAN:—

MAY IT PLEASE THE COURT:—By direction of the Bar Association of the City of Chicago I present to the court the following resolution of respect, adopted at the meeting of said Association, called to take action with reference to the death of the late Justice JOHN SCHOLFIELD:

"*Resolved*, That in the death of JOHN SCHOLFIELD we recognize the loss sustained by the bar of this city, as well as by the State and community at large.

We appreciate his labors as a judge of the Supreme Court of this State, as well as the honor which his career as a man, a lawyer and a judge has conferred upon our profession.

He came to the bench endowed by nature, disciplined by life's struggles, and trained by experience to make a great judge.

His character was pure and free from stain, his integrity was unquestioned, his habits of life were simple; he combined the rare qualities of modesty without timidity; decision without obstinacy; patience without dullness, and contentment not lacking in noble ambition. He had that mental poise that characterizes the just judge, who is anxious to hear, slow to reach conclusions, and firm in his convictions. His mind was broad enough to include humanity, and his experience wide enough to understand it.

His opinions will remain as monuments to his industry and ability, and we desire thus publicly, as members of this bar, to testify to our admiration and appreciation of his character as a man, a lawyer and a judge, and to express our regret that his career should have been so prematurely closed.

We extend to his wife and children our sincerest sympathy, and will join with them in honoring his memory."

I shall add but a few brief words to the expressions of the resolution. Justice SCHOLFIELD was known to the members of the bar in our city almost entirely in his official position as a judge of the Supreme Court. The acquaintance of the great majority was such as exists between members of the bar and judges of the court in the ordinary intercourse

in conducting court business. The estimate held of him is formed almost entirely from his career as a judge of this court, and from the opinions rendered by him in the many important cases in which it became his duty to express the reasons for the court's judgment. His work as a judge shows that he was a man of massive and vigorous intellect, capable of close and deep investigation, and of clear and logical reasoning. His opinions are clear, strong and concise statements of the conclusions reached, and of the reasoning which led to such conclusions. His opinions on constitutional questions, many of which it seems to have fallen to him to write, evince a profound knowledge of the principles of constitutional law, and it may be truthfully said that by his opinions he has contributed more than any man who has been upon the bench since the Constitution of 1870 was adopted, to make the provisions of that Constitution clear and to enforce the application of its principles. What John Marshall was to the Federal Constitution, Judge SCHOLFIELD was in great measure to our present State Constitution.

Like many other of the great judges of our country, he was best known to the lawyers. Judges, particularly of courts of last resort, enjoy but little of the fame which is given to those who have more to do with the executive or political phase of the Government. This practically political isolation of the judge was well understood by Justice SCHOLFIELD, and is aptly expressed by him in remarks made from the bench on the occasion of the memorial to Mr. Justice Walker. He there said: "There is nothing in the character of the duties of a judge to excite the enthusiastic admiration of the populace. A judge, wearing his life away in patient toil among records and books, a martyr to his sense of duty, is not a spectacle to enlist the applause of the multitude. Such a life is too barren of tragic incidents; too unromantic for its history to be embalmed in song or story, and yet to the few who are capable of accurately appreciating such a life, it is grand and heroic. Its results are protection, peace and happiness to mankind through the enforcement of the laws, and these, in every right estimate, are far above the results of a life, however brilliant its spectacular performances, devoted to the acquisition of individual power and the perpetuation of individual fame through the bloodshed, the oppression and the misery of the many, as are those of most of the idols of history." He continues to say that the fame of a judge of the court of last resort must in the main rest on his written opinions, seen and known only by the profession, and that these after the lapse of time will be superseded by written opinions of others coming after, and will finally pass into oblivion. With this latter statement we are privileged to differ. The ordinary opinion on an unimportant question may indeed with the name of the writer of it pass from the memory of men, but the opinion which vindicates some important principle of the Constitution, or which rescues from confusion, clearly sets forth and justly applies some rule of law which secures liberty or protects property, bears the name of its author down through all generations of the profession.

To one who is desirous of posthumous fame, the connection of his name as a distinguished judge with the principles which the courts have established as rules governing the rights of persons and of property, and the powers of government over the citizen, will most surely secure his ambition. Every opinion on important questions becomes an enduring monument of the industry, the learning and the mental integrity of the judge who writes it, and a long career on the bench of a court of last resort must establish such a judge's right to a lasting position in the history of his State and country. When will such names as those of Marshall, Story, Taney, Kent, Shaw or Cowen be forgotten by the American lawyer? Judges who have long since died, who, during their judicial career, had to solve questions of public and constitutional importance, have probably a greater respect from the bar to-day than they had from the members of the profession who were contemporaries with themselves. On occasions like this it is, it seems to me, too likely to be said with somewhat of regret, that the character and fame of the judge, whose life-work we commemorate, was not blazoned forth like that of some conquering hero. The certainty of enduring connection with the history of his period will fully compensate for lack of public applause or notoriety.

I desire to embody here as most apt and truthful an extract from the remarks of Mr. Justice Magruder at the meeting at which these resolutions were adopted:

"Judge SCHOLFIELD, in his character and career, resembled the department of the Government which he so much adorned and so ably supported. A view of his services on the bench suggests the repose of reserved power. His influence upon the jurisprudence of the State was very great, and yet was exerted in such a quiet and noiseless manner that it was hardly noticed. Many of his opinions are what are called among lawyers 'leading cases.' They illustrated and enforced principles which, at the time of his announcement of them, were new in the history of the court of which he was a member. Not a few of these cases have been since followed and used as the ground-work of numerous decisions, not only in Illinois, but in other States and in the Federal Supreme Court. It is impossible to estimate the far-reaching influence of a judge who writes an opinion so well supported by logic and sound reason, and so deeply rooted in the principles of right and justice, that those who follow him quote it and refer to it as a precedent. It becomes the basis for determining the rights of other men and other communities than those who are parties to the litigation which produced it. Followed by court after court, it keeps rolling down the generations, permeating the judicial learning of successive eras, giving character to the utterances of the bench, and aiding in the settlement of angry controversies among men. Long after inferior and more noisy men are forgotten, the sentences of the quiet and gentle SCHOLFIELD will be quoted as authority."

The work of the courts keeps pace with the progress and growth of our institutions, and has much to do, if not most to do, with the shaping

and moulding of these institutions. The character of the judiciary of a country is obviously a reflection of the character of its civilization, and the greatness of every State may well be measured by the learning and the purity of the judiciary. The happiness, the security, the liberty, and the virtue of every people are best studied in their courts; these are the sanctuaries of the law, and, even in decaying States, liberty and order take their last refuge in the tribunals of justice, and, if they finally die, expire at the foot of her altars.

Judge SCHOLFIELD has left the impress of his great mind on the institutions of his State; his loss makes a void in the constitution of this court which it will be difficult to fill. His death is a severe bereavement to his brethren of this bench, as well as to the bar and people of the State at large. Frequently will your Honors, when seated round the conference table, discussing some intricate and difficult point, listen for the "sound of a voice that is silent." His aid will come to you not from the spoken word, but from the written page. In the last seventy volumes of the Reports of this court, which his opinions so enrich, will be found wise counsel and sound precedent. There may we all, both bench and bar, partake freely of the benefits of the life work of this great judge. From his learning, his wisdom, his clear logical statements as therein embodied, we shall gain light and aid in our work, from his loyalty to the law and his fidelity to truth and justice, and in all his modest and manly virtues may we find inspiration and guidance for our own lives.

BENJ. F. HERRINGTON, Esq. :—

After nearly twenty years of faithful and eminent service in the Supreme Court of the State of Illinois, Mr. Justice SCHOLFIELD has passed through the gate on the road where we are all marching.

The sun of our good brother's life sank not beneath the western horizon at the close of a long, weary, summer's day; but full-orbed, at noon-time it became enwrapped in the dark shadow of death.

And now, before this Honorable Court, so often graced by his kindly face, I bring my tribute of esteem.

For over fifteen years I had the honor of a personal acquaintance with him, and shall always cherish his kindly greeting and remember his courtly presence.

The pen of memory will often write upon the tablets of our hearts for the years to come the record of his goodness and greatness.

We shall often recall his learning, his integrity and his kindness. We shall not think of him as dead, but as living and speaking to us through his splendid opinions which embellish the Reports of this Honorable Court.

The recording pen of history will write the name of Mr. Justice JOHN SCHOLFIELD high up on the scroll among the eminent jurists who have ministered in this temple of justice, and his name will appear as spotless as a star, as was the record of his life.

Death has sought a shining mark, and he that was so strong is now laid low.

Our friend and brother died in the seclusion of his own home, surrounded by his kind and loving wife and children, who had tenderly ministered to him in his suffering.

To me it seems but yesterday since I heard his eloquent voice, now hushed forever in the dreamless sleep of death.

"Let him take his long sleep and quietly rest,
With naught to disturb or awake him;
When the angels shall come to gather the blest
To Abraham's bosom, they'll take him."

On behalf of the court, MR. JUSTICE WILKIN responded:—

It was my good fortune to know Judge SCHOLFIELD intimately for many years, and pre-eminently great as he was in the performance of every public duty, he was most admired, by those who knew him best, for his sterling qualities as a private citizen.

He entered upon the practice of the law immediately upon reaching his majority, with no influence of birth or family history to advance him, in the district known as the Wabash Valley, and there immediately met at the bar some of the ablest men of the State. There was residing in his own town the cultured and highly educated lawyer, Charles H. Constable; the broad minded, and naturally gifted, James C. Robinson; and the astute ready practitioner, Robert L. Delaney. On the circuit he at once came in contact with the able and long experienced O. B. Ficklin, of Coles county; the brilliant orator and personally popular James C. Allen, of Crawford; and sometimes such men as Judge Anthony Thornton and John R. Eden, of our own State; and D. W. Voorhees, Richard W. Thompson, John P. Usher, and others of Indiana.

These men were then in the full tide of a professional career which has since given them all a State, and many of them a National, reputation. He met, at the same time, men of his own age just entering upon the practice; such as James A. Eads, of Edgar county, one of the best lawyers in the State; H. P. H. Bromwell, then of Coles county; J. G. Cannon and Thomas Macourtry, of Douglas; E. Callaghan, of Crawford; and many others who are, and have been justly esteemed among the ablest lawyers of Illinois. Surrounded by such men, in less than four years SCHOLFIELD had forged his way to the front, and stood abreast with the very ablest of all the older members of the bar, and acknowledged, without dissent, first among the younger lawyers in that part of the State. Without disparagement to the names or memory of any of the men alluded to, it must be said that for a third of a century SCHOLFIELD was, in all that district, the people's favorite, without a rival. I allude briefly to this almost phenomenal success at the bar, not merely as illustrating his ability as a practicing attorney, though, in my judgment, as such he was unexcelled; but also to show the kindness of heart, amiability

of disposition, and gentlemanly bearing which always characterized the man and marked his conduct towards others. Success never made him arrogant or discourteous; flattery was always offensive to him, and he even shrunk from merited approval. He was ever generous and considerate of the rights of those with whom he came in contact, under whatever circumstances. As a lawyer, neighbor and friend, magnanimity was exhibited in his every act.

In the county of his birth, where he always resided, and where he at last died, no just man can be found who does not cherish his memory, as one friend cherishes the memory of another. With one accord the people of "Eastern Illinois" will say to-day that he was, in ability and character—especially in honesty of purpose and kindness of heart—the first citizen of this great State. And on the testimony of such a cloud of witnesses may not I, one of the particular recipients of his kindness and generosity, be allowed to say that, while men of greater intellectual powers than nature had bestowed upon him may have lived (which I doubt), no purer, nobler spirit ever presided over the heart and mind of man than that which moved and controlled the conduct of JOHN SCHOLFIELD.

The magnanimity of his nature, manifested in his associations with his brethren at the bar, neighbors and friends, was intensified as a husband and father into the most unbounded gentleness and love. His home at Marshall, the only one he ever occupied as the head of a family and in which he lived for more than thirty years, was a modest country home; presided over by a noble, loving wife; made doubly happy to him by a large, unbroken circle of children who gathered around its hearthstone. It was his love of that home which prompted him to unhesitatingly withhold his hand when a realization of the highest ambition of a lawyer seemed within his grasp, and to say "I will not break this charmed circle for all the honors of earth; I will not turn my back on this hallowed spot, though by doing so I might wear the robe of the highest judicial office in the world."

And who among all his disappointed friends will say now, that in that manly resolution he did not choose wisely? Thereby he was permitted, when death came, to call to his side his devoted wife, and loving children, and close his eyes on that home and family circle which for so many years had been his comfort and his pride. And now in sight of that loved home, "after life's fitful fever he sleeps well."

Mr. CHIEF JUSTICE BAILEY, further responding, said:—

The court heartily concurs in the resolutions which have been presented, and in the remarks by which they have been accompanied. In the death of our distinguished associate a great loss has fallen upon the bench and bar, as well as upon the people of the State. In a peculiar and personal sense does the bereavement come home to the members of the court, who have been associated with Judge SCHOLFIELD in

the performance of judicial duties, and who have enjoyed his intimate personal friendship

A most worthy citizen, a learned and able lawyer, and one of the most eminent of recent American jurists, has passed away. It is appropriate that those who survive him should place upon the records of the court of which he was so long a member—records which already bear such ample testimony to his learning, his diligence and his uncompromising loyalty to the law and to duty—a memorial of their appreciation of his worth, and of their sorrow at his death.

Judge SCHOLFIELD rose to eminence, not by means of any outside or adventitious influences, but solely by dint of his own unaided efforts, and of that resolute, untiring industry, and of that patient, intense purpose, which characterized him through life. He was a native of Illinois, his place of birth being in the county in which he resided all his life, and of which, for many years prior to his death, he was the most honored and distinguished citizen. While yet a mere lad he was thrown, without friends or money, upon his own resources, and in his struggles to obtain an education he resolutely and gladly encountered toil and privation, and was thereby enabled to avail himself of the advantages of such schools as were then to be found in the vicinity of the place where he lived. Having determined to fit himself for the bar, he entered a law school in Louisville, Kentucky, and in November, 1856, when he was but twenty-two years of age, and before he had completed his studies at the law school, he was elected to the office of State's Attorney for the circuit of which his county then formed a part. It was in discharge of the duties of that office that he entered upon the practice of his profession, and the ability and vigor with which he prosecuted offenders against the law soon made him a terror to evil doers. At the expiration of his office as State's Attorney he was elected a member of the House of Representatives in the General Assembly, and served in that body for one term.

He was also a member of the Constitutional Convention of 1870, and in June, 1873, he became a member of this court, a position which he held, by successive elections, until his death, a period of a little less than twenty years.

While at the bar, Judge SCHOLFIELD achieved a high reputation as an advocate, and it is perhaps not too much to say that, in that relation, he stood *facile princeps* among his legal brethren in the region over which his practice extended. It has even been suggested by those who knew him best at the bar, that probably the most noteworthy efforts of his life were some of those put forth while engaged as counsel in the trial of causes. His vigorous, acute and discriminating intellect, his untiring industry, his thorough mastery of legal principles, his instinctive judgment of men and affairs, his stern sense of justice, his unaffected candor, and his simple, common-sense and persuasive eloquence, fitted him for distinguished success at the bar, and justly entitled him to a high rank in his profession.

When he came to this court the Constitution which he had helped to frame had been in force three years, and the numerous constitutional

questions inevitably arising from the many radical changes in our organic law which that Constitution had effected, had just begun to be pressed upon this court for final decision. To take part in the settlement of questions of that character, Judge SCHOLFIELD was eminently fitted, and during the entire period of his service on this bench, he, in common with his associates, was almost constantly called upon to grapple with them. While inclined to a reasonable and fair construction of constitutional provisions, he was always disposed to stand firm as a rock in his opposition to every palpable encroachment upon constitutional limitations, and the firm, conservative and consistent course followed by judicial decisions in the State, upon questions of that character, is due in no small degree to the consideration which has been justly accorded by his associates to his views and opinions.

Judge SCHOLFIELD'S mind was essentially analytical and logical. In the investigation of cases submitted to the court for decision, he had great facility for grasping at once the controlling principles involved, and in disentangling them from all immaterial considerations, so as to arrive without difficulty at the correct and logical result. This power to analyze cases under consideration, and to thereby indicate the true principles by which the decisions of the court should be governed, rendered his assistance in conference peculiarly helpful to his associates, and important as were his services in the preparation of judicial opinions, it is probable that it will be in the conference room that his loss will be most severely felt by the other members of the court.

His most enduring monument is the one which he has erected for himself, and must be found in his judicial writings. His opinions first appear in the sixty-seventh volume of the Illinois Reports, and when they are all reported they will extend through nearly if not quite eighty volumes of our Reports. In this large accumulation of judicial literature, the product of a laborious service of almost twenty years, the profession have already learned to find their guides and land-marks. It embodies a store of legal learning which will not soon be permitted to perish or pass into oblivion. So long as the common law exists, the opinions which our brother has left behind him will be consulted as authoritative repositories of its principles, not only in the State of Illinois, but wherever the same rational system of jurisprudence shall prevail.

The life of Judge SCHOLFIELD, especially during his long period of judicial service, was, as the life of a judicial officer almost necessarily must be, uneventful; but it was none the less useful, and worthy of being held in grateful remembrance. The people of the State owe to him a debt of gratitude for laws enforced and rights maintained of which they are not fully conscious, and which they will probably never adequately appreciate.

A more just comparison, as applied to Judge SCHOLFIELD'S own judicial service and career, could scarcely be put into language, than that uttered by himself in the remarks made by him in commemoration of Judge Walker, already cited.

To him the performance of his official duties was paramount to every other consideration. Motives of personal comfort or convenience were never allowed to stand in the way, and to it he was at last brought to sacrifice his health, and possibly his life. His work, so long as he had strength to do it, was always done. And when health began to fail, he only nerved himself to renewed endeavor, and despite physical suffering and weakness continued through long months, he stood resolutely at his post. It was only after disease had made such progress that mental and physical power to work wholly failed him, that he was persuaded to desist.

Having lived a life of unqualified loyalty to duty, when the summons for his departure came he was not appalled. When informed by his physician that his hours on earth were almost numbered, he contemplated the great change that was just before him with a calmness born of philosophy, and with a resignation springing from an unwavering faith in the immortality of the soul, and in the justice and mercy of the Judge before whom he was soon to appear. In full possession of his reason, and surrounded by his loved ones, he approached his grave "like one who calmly wraps the drapery of his couch about him and lies down to pleasant dreams."

As a memorial to our deceased brother, the resolutions presented will, as requested, be spread upon the records of the court, and with them will also be recorded the remarks by which their presentation has been accompanied.

Thereupon, as a further mark of respect for the deceased, the court adjourned.

REPORTS
OF
CASES AT LAW AND IN CHANCERY

ARGUED AND DETERMINED IN THE
SUPREME COURT OF ILLINOIS.

NORMAN L. FREEMAN,
REPORTER.

VOLUME 145,
CONTAINING CASES IN WHICH OPINIONS WERE FILED IN NOVEMBER,
1892, AND IN JANUARY, MARCH, APRIL, MAY AND JUNE, 1893.

PRINTED FOR THE REPORTER.

SPRINGFIELD:
1893.