

## MEMORIAL SERVICES

HELD IN THE SUPREME COURT OF ILLINOIS AT THE OCTOBER TERM, 1931, ON THE LIFE, CHARACTER AND PUBLIC SERVICES OF HON. WILLIAM M. FARMER, DECEASED.

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At the hour of two o'clock P. M., October 15, 1931, other business having been suspended, the following proceedings were had:

Mr. CHIEF JUSTICE STONE:

This is the hour fixed for the presentation of a memorial for the late Justice William M. Farmer. Mr. Amos C. Miller, president of the Illinois State Bar Association, will present the memorial.

Mr. MILLER:

*May it please the court*—It becomes the sad duty, or, in another sense, the privilege, of the Illinois State Bar Association to present at this time a memorial for the late Mr. Justice William M. Farmer, who for just twenty-five years and a few days served with honor and distinction as a member of this court. The memorial has been prepared by a committee appointed by the Illinois State Bar Association of five members who were former members of this court and served with Justice Farmer. They are former Justices George A. Cooke, chairman; Charles C. Craig, Albert Watson, Floyd E. Thompson and Paul Samuell. With the court's permission I will read the memorial.

"William Maurice Farmer was born of pioneer parents in Fayette county, Illinois, June 5, 1853. His father, William Farmer, was born in Kentucky, and his mother, Margaret (Wright) Farmer, was born in Tennessee. His parents each came to Fayette county, Illinois, early in life. His youth was spent on his father's farm,

burden. Being thoroughly imbued with the belief that he held his office solely as a public trust, and being convinced he was no longer able to discharge it as he felt it should be discharged, he regarded it his duty to surrender that trust. He thereupon tendered his resignation, to take effect on July 1, 1931.

"Judge Farmer in his early youth acquired the habit of industry. He appreciated the importance of constant employment and never indulged in any form of idleness. He never acquired the habit of taking an occasional rest from his work for the purpose of recreation. To him, to be happy was to be engaged in some useful occupation. This characteristic no doubt helped greatly to sustain him during the trying period from April, 1926, until he surrendered his commission, July 1, 1931. The prospect of becoming idle after he had thus voluntarily retired no doubt appalled him, but he was saved any unhappiness on this account, for on August 28, 1931, two months after he had resigned, a kind and all-wise Providence called him to his eternal rest. This no doubt is as he would have willed it had he been given the choice. His work was finished. In the doing of it he had been happy, and he now sleeps peacefully in the city and State which he so much loved. He had run his course and he had kept the faith."

MR. MILLER:

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

MR. CHIEF JUSTICE STONE:

The court will be pleased to hear from a former justice of this court, a warm personal friend and former associate of Justice Farmer, the Hon. George A. Cooke.

JUDGE COOKE:

*May it please the court*—It was my good fortune to know Judge Farmer intimately for thirty years. My acquaintance and association with him were such that I can say that I never had a closer or more intimate friend. I entertained for him a very deep affection, and what I have to say may be influenced somewhat by that fact. Our friendship began when Judge Farmer was serving

as a member of the Appellate Court for the Second District. I was first attracted to him by reason of his uniformly kind, courteous and sympathetic attitude toward the members of the bar practicing in that court. His work was such as to command the respect and admiration of every member of the bar, but the judge never overshadowed the man. He possessed those fine, human qualities which drew men to him, so that the admiration and affection for the man equaled, if it did not surpass, the admiration felt for him as an able, conscientious and fearless judge. His nature was such that he could never deviate from what he considered to be right and just, both as a man and a judge. While he was always firm and positive in his convictions and frank in his expression of them, he was never stern nor harsh but always considerate of the views of those who disagreed with him. During my association with him for a period of over nine years as a member of the Supreme Court our friendship ripened into one that is given to but few men to enjoy. The association among the members of this court is so close and intimate that each, in time, comes to know every true characteristic of his several associates, and is able to appraise his ability, his character, his natural impulses, his habits of thought and industry, his conception of the work of the court and the place he is entitled to occupy among his fellow-men.

Judge Farmer was an indefatigable worker. Under the practice of the court the writing of opinions is apportioned equally among its members. During the period of my association with him on the court he never failed to have his work completed at the end of the summer vacation, and before the convening of each October term he submitted an opinion in every case which had been assigned to him. This was his record prior to that time and continued to be his record until he voluntarily retired.

In the conference room, where discussion and criticism, although never personal, were always pointed and very frank, Judge Farmer demonstrated those qualities which have made him beloved by all who knew him. Vigorous in the defense of his own views, he always gave the fullest consideration to the views of those who opposed him. He did not stubbornly maintain his own position to the bitter end but was always influenced by an argument that would influence or convince any disinterested and un-

biased lawyer. When I became a member of the court I was told by the senior member that in the conference room I would hear some of the best arguments ever made in contested cases. I found this to be true. In all these discussions in conference Judge Farmer took an intelligent and forceful part. He presented his views ably and defended vigorously any position he took. His attitude was always courteous and considerate, and while, as was the case with every member of the court, he deemed it necessary on occasions to sharply and vigorously disagree with the views of some associate, he did it in a way that could not offend and would not leave him with any feeling of regret for anything he had said.

The conference room of this court is no place for a man with a sensitive nature, which reminds me of another statement made to me by the senior member of the court upon my first entrance into the conference room, which was, that if I had a sensitive nature I should leave it in my chambers when I came to the conference room. Judge Farmer was so constituted that he could accept and discuss the most severe criticism of any position he had taken, or any opinion he had written, calmly and with the open judicial mind which he possessed. This is attested by the fact that every man with whom he served as a member of this court was his loyal and devoted friend. His associates who survive him will ever cherish the memory of his sterling qualities. His many published opinions, both in the Appellate Court and in this court, attest the scope and quality of his work. These have made an indelible impression upon the history of the State.

As a citizen Judge Farmer was controlled by the highest ideals. His loyalty to the institutions of the State and the Nation never flagged. In politics he was a partisan, as I believe every citizen should be, but there never was a time when he allowed politics or any partisan feeling to control his judgment when any question of public policy or the welfare of his State was at stake. He was always frank in the statement of his views upon any question. He never equivocated or evaded. To determine where he stood on any question it was only necessary to ask his views, and they were given fully and frankly. He despised hypocrisy in any form. He took a keen and lively interest in the activities of the community in which he resided and of the State. That this interest was in-

telligent and helpful in his application of it and was never exercised to promote personal or selfish interest is evidenced by the fact that he was universally beloved and respected and to-day is sincerely mourned by all who knew him.

Judge Farmer always took a keen interest in young people struggling under difficulties to secure an education or a more favorable position in life. For years he constantly had in his home, one after another, some boy or girl who by reason of the advantages he gave them, were able to complete their high school education. These boys and girls, who possibly could not have secured this start in life without his aid and interest, have all prospered and become useful citizens. He was always proud to refer to them as his boys and girls.

In Judge Farmer the newly admitted member of the bar always found a sympathetic friend and adviser. I well remember many occasions when young men called at his chambers during the sessions of court for advice, and often on these occasions I have heard sincere expressions of gratitude for the assistance the judge had given them during their school course and after their admission to the bar. This was characteristic of him, not only as to the young lawyer but as to all young people who needed encouragement and friendly advice.

Judge Farmer's private life was ideal. He had faults, it is true, as all of us have, but they were not major faults. No man has serious faults who is able to recognize them and eager to rectify them. That was true of Judge Farmer. His home life was most happy. He was devoted to each member of his family, and his first thought always was for their comfort and happiness. I hold the belief that a man's true character is disclosed by his attitude toward and treatment of the immediate members of his family and their attitude toward him. I have never known a family which was surrounded by a more wholesome atmosphere of sincere devotion and affection. His private and public life is an open book, and upon no single page can be found one entry which would cause embarrassment or require explanation or apology.

During the last five years of his life Judge Farmer disclosed fully his true character and revealed forcefully the high ideals which had governed him throughout his life. He was of a sociable

nature. He enjoyed his friends. He loved to mingle with them and to make new friends. He had always been able to meet men on an equality, physically and mentally. When he suffered a slight stroke of paralysis in April, 1926, a physical impairment resulted which made it difficult for him to walk without assistance. He felt that he would no longer be able to mingle with his friends as in the past. While he still enjoyed the association of his friends, he was proud enough to feel the chagrin of being compelled to appear before them at a disadvantage. He lived to realize that his affliction only tended more firmly to cement the life-long friendships he had formed. Influenced by the high ideals which had always controlled him and fearing that the work of the court might suffer if he did not surrender the trust that had been reposed in him, he indicated his intention of resigning. Your honors know how invaluable his continued association with you as a member of this court had become, and to the credit of Judge Farmer he permitted himself to be persuaded to remain in the court despite the handicap which his affliction placed upon him. As to the difficulties under which he labored to perform his duties during the last five years of his service your honors are better informed than anyone. He did perform them and remained the valuable member of the court he had always been. It was characteristic of him that he was willing to carry on when assured by his associates that the court and the State needed his services. He was not moved by any idea of self-aggrandizement. It was not necessary from pecuniary motives for him to retain the office. From a sheer sense of duty and a desire to perform the work he had been commissioned to do he carried on and gave this court and the people of Illinois the benefit of his experience. It was typical of him. While it was a hardship and his work was accomplished under great difficulties, I believe the action of his associates in persuading him to continue was most fortunate. His life had been a busy one. His happiness had been found in employment. Should he have persisted in his first impulse to resign his office the remainder of his life would undoubtedly have been unhappy and no doubt would have been materially shortened. As it was, he lived to give the State five of the best years of his service and to more deeply endear himself to all who knew him. This period in his life will stand out as a

striking example of devotion to duty and may well be an inspiration to every citizen of the State.

Those of us who were fortunate enough to know Judge Farmer intimately have been greatly enriched by reason of our association with him. Endeared to us in life, his memory will be deeply and reverently cherished.

MR. CHIEF JUSTICE STONE:

The court will now hear a former member of this court, Hon. Floyd E. Thompson.

JUDGE THOMPSON:

*May it please the court*—Your honors, I hazard nothing in saying that the roll of the sixty-three justices of this great court since 1818, illustrious as it is, presents the name of no man who was held in higher esteem by his contemporaries or who will enjoy a higher reputation with posterity for some of the best and noblest qualities which adorn our natures than William M. Farmer. Reverently as we call the names Breese, Mulkey, Scholfield and Cartwright, none excites nobler thoughts than Farmer. Those of us who were privileged to serve with him in the intimate relationship of the work of the Supreme Court can testify that few men possess, as he did, that combination of elements that makes a man. His congenial personality and his high-minded attitude toward the work of the court won the hearts of all. All of us are richer by reason of this association.

The high regard in which Judge Farmer was held by the lawyers of the State was shown by their visits to his chambers in the evenings when he was here in Springfield. He was a delightful host and got much of his relaxation from his heavy labors by chatting with old friends. Those who had attended college with him, or practiced with him at the bar or before him on the circuit, or served with him in the General Assembly, were frequent visitors, and they spent enjoyable hours recounting events of their earlier years. To one of a later generation, like myself, it was a rare privilege to sit through one of these evenings as an interested auditor. I never left without a keener appreciation of the man who had won and held the respect and admiration of his contemporaries.

And his visitors were not confined to those of his own age. Young lawyers came to listen to him recount his experiences or to lay their problems of life before him. He loved the company of young men. He wanted to know what the world of to-day was thinking. Careful as he was in his associations while a member of this high court, he never permitted himself to become a recluse. He kept well informed and could converse intelligently on current topics. Though he lived well past the allotted three score and ten years, he never lived in the past.

My personal debt to Judge Farmer is great. Lacking, as I was, in experience, and unfitted, as I was, for the duties of the high judicial position to which I had been chosen at an age barely past the constitutional minimum, no word or act of his ever made me feel it. His counsel was dignified but generous and wholehearted—given as one man advises with another and not as a schoolmaster lectures a pupil. His whole attitude toward me, as toward every newcomer on the court, was such as to make me feel that I was there by the same right as he was and with the same high purpose. As your honors can all testify, everyone who served with him is greatly in his debt.

The records of the House and the Senate are eloquent testimonials to the value of the services of Judge Farmer in the legislative halls of our State. The high regard in which he was held by his political opponents, as well as by those of his own party, is attested by ex-Governor Joseph W. Fifer in a tribute to him in 1925—thirty-six years after they had labored together in the State's service. He said: "His judgment on measures for the public welfare was so good and so frankly and honestly given that I depended upon him for advice and information. No man ever served his State better than he did. He was a Democrat, opposed to me and my party politically, but first of all he was a citizen of Illinois. He never permitted partisanship to cloud his views upon questions that affected the people as a whole. He was honest and upright—straightforward always. I was gratified when he was elected to the Supreme bench. There he has been the same devoted, righteous citizen."

Judge Farmer's 119 opinions in volumes 110 to 128 of the Appellate Court Reports and his 1335 opinions in volumes 222 to 345



of the Supreme Court Reports are a monument to his industry and ability as a judge. In his thirty-four years of service in the courts of our State no finger of suspicion was ever pointed toward him. His judicial record was such that his most hostile critic would be forced to say:

"I've scanned the actions of his daily life  
With all the industrious malice of a foe,  
And nothing meets my eye but deeds of honor."

The mere length and variety of the public services of Judge Farmer in almost every branch of the State government, running through a period of half a century—State's attorney, representative in the General Assembly, State senator, judge of the circuit court, judge of the Appellate Court, justice (and four times chief justice) of the Supreme Court—would alone have secured him a conspicuous and permanent place in our public records. But he has left better claims to remembrance than mere tenure of office and length of service can bestow. There was an unsullied purity in his private life; there was an inflexible integrity in his public conduct; there was a fascination in his delightful conversation; there was quiet force in his formal discourse; there was a quickness of perception, a vigor of deduction, a directness of conclusion, a devotedness of purpose, an impress of courage in all that he said and wrote and did; there was a beautiful dignity in his demeanor—all of which together made up a character which will reflect glory on all posterity.

"His life was gentle; and the elements  
So mixed in him that nature might stand up  
And say to all the world, This was a man!"

MR. CHIEF JUSTICE STONE:

The court is advised that the bar association of Fayette county desires to present a memorial by Mr. John G. Burnside, of that bar.

MR. BURNSIDE:

I wish briefly to refer to the life of Mr. Justice Farmer as exemplified in his home relations in the county in which he was born, where he lived all his life and now rests. It is the story of success in his chosen profession, of lifelong service, of industry, honor

and integrity, which finally won for him the position of first citizen of his home community. Throughout his life he remained unspoiled by success and position. He was always modest, approachable, companionable and intensely human. He was a comfortable man to know. He did not deal in mystery. His philosophy of life was the doctrine of common sense. Probably his most outstanding personal qualification was his forthright mental honesty. He had no patience with pretense or sham. His capacity for hard work was prodigious. Never satisfied with mediocrity, he did his work with patient, painstaking thoroughness. In his social relations he was simple and direct. He associated on terms of equality and companionship with men in all walks and conditions of life. His ability as a lawyer was early recognized. In fact, it was so apparent that he soon took first place at the local bar. This, together with his other qualifications, resulted in the respect and confidence of the entire community. As a consequence he was called to civic service, and as State's attorney of his county, as member of the House of Representatives, as State senator, as judge of the circuit court and justice of the Supreme Court, almost without interruption his entire life has been in public places. He has graced every position he occupied—has won commendation and recognition throughout the State and in the Nation. His intimate friends and associates and citizens generally in his home county have watched his career with pride and admiration. We feel that his life has been worth while and now at the close there is little sorrow. His work was finished. Further effort would have marred the picture.

#### Mr. CHIEF JUSTICE STONE:

There is no member of this court better fitted to express the appreciation of the court for our late associate in response to these remarks than Mr. Justice Frank K. Dunn, who will respond for the court.

#### Mr. JUSTICE DUNN:

We who were the associates of Judge Farmer during the many years of his service on this court have heard with great satisfaction the memorials which have been presented and the addresses which

have been made in regard to his life, character and services, and I express the feelings of all the members of the court, and all who have been members of the court, in saying that we concur entirely with all the statements made and all the sentiments expressed in regard to him in the memorials and addresses.

Justice Farmer was a native son of Illinois. He lived all the days of his life in Fayette county, where he was born. By his resignation, effective on July 1, 1931, of the office of justice of the Supreme Court he brought to a close a half century of almost continuous public service. This service was performed in each of the three departments in which the powers of government are exercised. Upon his admission to the bar in June, 1876, after his graduation from the Union College of Law of Chicago, he established himself in Vandalia, the county seat of Fayette county, and there practiced his profession continuously for twenty-one years. During this time he was elected State's attorney for the county of Fayette. To the administration of this first public office which he held he brought the same faithful devotion to duty, diligent and careful attention, good judgment and energy in action which were characteristic of him in all his undertakings. Four years after the expiration of his term of office as State's attorney he entered another field of public service through his election by the people of his district as their representative in the Thirty-sixth General Assembly, and at the next election he was chosen a senator. He served one term in each house. The first four of his six years' service were during the administration of Governor Fifer; the last two during the administration of Governor Altgeld. In the Thirty-seventh General Assembly, in which Judge Farmer was a senator, occurred the election of General John M. Palmer as United States senator—the first Democrat to be elected a United States senator from Illinois in thirty years. There was a long-continued deadlock in the legislature, in which the Republicans had 100 votes on joint ballot, the Democrats 101, and the balance of power was held by three Farmers' Alliance members, who voted in the joint sessions which were held day after day, so that there was no election for many weeks, until at last two of them voted with the Democrats, giving the necessary 103 votes to General Palmer and

he was elected. Judge Farmer was a Democrat, and in this election, of course, loyally supported General Palmer and rejoiced in his election. No shade of suspicion ever fell upon Judge Farmer's allegiance to the Democratic party any more than upon the integrity of his judicial action, and the way in which he was regarded by Republicans and Democrats alike in his legislative career may be illustrated by the remarks of ex-Governor Joseph W. Fifer, which have, in part, just been quoted by Judge Thompson, and which apply as well to the judge as to the legislator. Governor Fifer, in speaking of the members of the General Assembly during his administration, said: "Among the members of the General Assembly whose friendship I prized was William M. Farmer, a Democrat from Fayette county. He was a member of the House during the first session and of the Senate during the second. I would be unfaithful to a trust and obligation if I did not mention here the service that William M. Farmer rendered me. He never betrayed party confidence and did nothing that in the slightest was politically unethical. His judgment on measures for the public welfare was so good and so frankly and honestly given that I depended upon him for advice and information. No man ever served his State better than he did. He was a Democrat, opposed to me and my party politically, but first of all he was a citizen of Illinois. He never permitted partisanship to cloud his views upon questions that affected the people as a whole. He was honest and upright—straightforward always. I was gratified when he was elected to the Supreme bench. There he has been the same devoted, righteous citizen."

Judge Farmer's service in the legislative department of the State government ceased with the adjournment of the Thirty-eighth General Assembly, in 1894. His judicial service began with his election as judge of the circuit court for the Fourth Circuit in June, 1897, and was continuous for thirty-four years, until his resignation as judge of the Supreme Court within the last four months. He was a judge of the circuit court nine years, during the last three years of which he was also a judge of the Appellate Court for the Second District by the assignment of the Supreme Court. He was a member of the Supreme Court for twenty-five years, and only five of the sixty-three justices who have been members of this

court since the organization of the State have had longer terms of office than he.

Judge Farmer's career was almost altogether professional—the life of a lawyer and a judge. His term of office as State's attorney and the three sessions of the legislature in which he participated were mere episodes in his life, not to be disregarded for their effect on the development of his character, the broadening of his education, the acquisition of knowledge and of wisdom, but, of chief importance, in educating, disciplining, strengthening and informing his mind and increasing his efficiency and capacity for public service. In all the various activities of Judge Farmer's life he was becoming qualified for the work which occupied the last twenty-five years of his life. He grew up on a farm. He attended McKendree College and the Union College of Law. He was acquainted with the manner of life, the habits and customs of the ordinary inhabitants of the State of Illinois. He had a sufficient education and knowledge of the law, good judgment, a wealth of common sense, a strong character and a deeply implanted direct and vigorous sense of justice. As a trial judge he had the confidence of the bar and of the people of his circuit, so that lawyers and clients alike submitted their causes to him in full reliance that they would receive a fair trial and an impartial judgment.

I was associated with Judge Farmer during twenty-four of the twenty-five years of his service on this court. I knew him before his election, but not intimately. During those years of close contact and intimate association with him in the same work, in common with the other members of the court, I came to know him well and to respect and admire him for his sturdy manhood, his firmness of conviction, his sense of responsibility, his loyalty to the court and his steadfastness of purpose to make the law and the court effective instruments for the administration of justice in each particular case. During those years he was a conspicuous figure in the history of the jurisprudence of the State. But he did not seek to be conspicuous. In the last four or five years of his service he was hindered in the performance of his work by physical disability which might have compelled one of less heroic mould to surrender, but with characteristic persistency he remained at his post until his declining health convinced him that he should

not continue longer to carry the burden. He resigned his office, and so ended his long and honorable career of public service. He possessed justly the approbation, respect, confidence and affection of the profession and the people, and no one ever doubted the sincerity, honesty and impartiality of his opinions. He enjoyed his work and his relations with the bar and with his associates. He was a sincere, loyal and sympathetic friend, who had the respect and affection of his associates, and we who have survived him, whether on or off the bench, unite in sorrow for his loss and in honoring his memory.

Mr. CHIEF JUSTICE STONE:

These memorials, together with the remarks made to them, will be entered upon the records of the court. The reporter is directed to publish them in the official volume of the court's Reports.

Out of respect for the memory of Justice Farmer this court will stand adjourned until nine o'clock to-morrow morning.

REPORTS  
OF  
CASES AT LAW AND IN CHANCERY

ARGUED AND DETERMINED IN THE

SUPREME COURT OF ILLINOIS.

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VOLUME 346

CONTAINING CASES IN WHICH OPINIONS WERE FILED IN DECEMBER, 1931, AND CASES WHEREIN REHEARINGS WERE DENIED AT THE DECEMBER TERM, 1931.

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SAMUEL PASHLEY IRWIN,  
REPORTER OF DECISIONS.

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BLOOMINGTON, ILL.  
1932