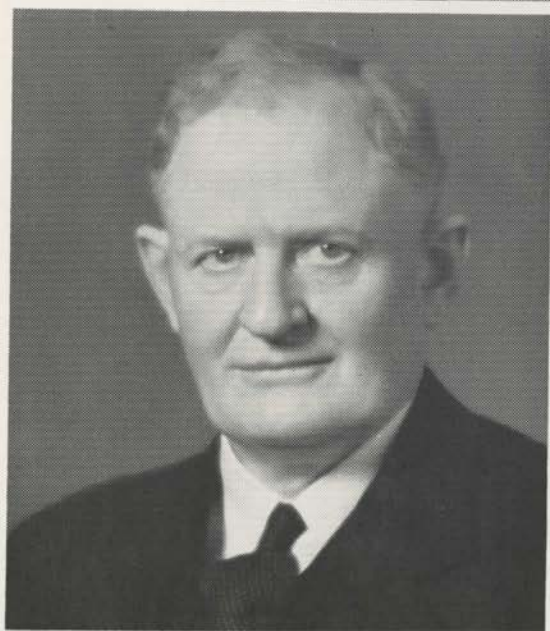


WARREN
H.
ORR



LOREN
E.
MURPHY

JUSTICES FOURTH DISTRICT

MEMORIAL SERVICES

HELD IN THE SUPREME COURT OF ILLINOIS AT
THE MAY TERM, 1964, ON THE LIVES AND
PUBLIC SERVICES OF THE LATE JUSTICES
WARREN H. ORR AND LOREN E. MURPHY

At the hour of two o'clock P.M., May 12, 1964, other business being suspended, the following proceedings were had:

MR. CHIEF JUSTICE KLINGBIEL:

This hour has been set aside for the purpose of receiving memorials concerning the lives and public services of the late Justices Warren H. Orr and Loren E. Murphy. The court will be pleased to hear from the representative of the Hancock County Bar Association concerning Mr. Justice Warren H. Orr, Mr. Homer H. Williams, who was an associate and close friend of Justice Orr.

MR. HOMER H. WILLIAMS:

May it please the court—Speaking on behalf of the Hancock County Bar Association, I desire to present the following memorial to the first and only lawyer from our county to occupy a seat on this court, the late Justice Warren H. Orr.

Our friendship began in the Fall of 1911 when Warren H. Orr moved to Hamilton, Illinois. This friendship continued throughout his three terms as county judge, his election to the Supreme Court, his moving to Rock Island, and then again engaging in practice in Chicago, Illinois, his retirement, and until his death on January 13, 1962, at Wilmette, Illinois.

Like a precious stone a man has many facets, each representing a different phase. His education and background, his

hobbies, family life, successes and disappointments, sports, work habits, loyalty to his profession, sense of integrity as a judge and good citizenship. These traits are not discovered by a casual acquaintance. It was my experience to have hunted for years with Judge Orr, shared his camp when the ducks were flying and fished from the same boat. I knew his wife when she was a youngster in the first grade, his family from the birth of their children, lived neighbors to them, enjoyed their hospitality in their home, and the pleasure of entertaining them in our home, practiced before him and served as State's Attorney for 6 years while he was a county judge, and with this background I feel that I can truthfully testify to his genuine friendship and his qualities that characterized his life as a lawyer and a judge.

Born at Hannibal, Missouri, on November 5, 1886, he received his early education in that city. It was natural for him to come to love the Mississippi River as did the boys made famous by Mark Twain. His high school commencement address was delivered by Samuel L. Clemens, a noted writer of that city. Possibly Clemens's writings under the name of Mark Twain may have influenced this young high school student, as he did newspaper work during his University of Missouri college days, reporting college activities for the *Star* in Kansas City, *Post Dispatch* in St. Louis and *Omaha Bee* in Omaha, earning most of his college expenses. During the summers he worked as a clerk and purser on river steamers, the *Dubuque*, the *Quincy*, and the *St. Paul*, famous in that day as packets operating between St. Louis and St. Paul.

His parents were not people of means and he proved the theory that a boy can get an education if his desire is strong enough, he has the ambition and is willing to work. He knew what it meant to earn money and its worth.

At the time he went to the University of Missouri, there was no school of journalism. His interest in the journalistic field furnished the spark that caused the formation of such a school. He obtained signatures of students interested in such a course and indicating a willingness to enroll. This petition was carried to the university president, and so forcibly did he present it that a School of Journalism was opened with Warren H. Orr, the

first student teacher. An old newspaper man headed the school for many years and these two remained warm friends.

Upon finishing his liberal arts course, his experience well qualified him for writing, but his mother's wish was that he take law, a wish which he respected, and he entered the Law School at the University of Missouri, receiving his degree in June, 1911.

The then largest hydro-electric dam was being built across the Mississippi River between Keokuk, Iowa, and Hamilton, Illinois, and nearing completion, produced a boom in real estate and building. What little things change a course. Judge Orr picked up a brochure put out by the Chamber of Commerce of Hamilton as to the advantages offered there, made a trip to Hamilton and decided to open an office. Filled with ambition, and with an old typewriter, a form book and an Illinois Statute and little more, he opened a one-room office and faced what looked like enormous odds. The Hancock County Bar had many older lawyers of earned reputations who had built up their clientele, and one strong firm already had a branch office in Hamilton.

His college experience had taught him how to get along on a small amount of cash. He had the exuberance of youth, willingness to dig into the law while waiting for clients to come to his office, made friends easily and took an active part in community affairs. Like many country lawyers, he did some abstracting, laid out an addition and sold off some lots, extended his range of acquaintances and handled some lesser matters. As the word spread around that he knew what he was doing his practice started to grow.

His first political venture was to run for city attorney, not a princely salary but it did help. The main benefit was the gaining of experience in special assessment proceedings and a knowledge of municipal law.

While at Hamilton, he undertook a project that, except for his interest, would never have materialized. Judge Orr loved the outdoors and the beauties of nature. A small club on the Mississippi River was defunct financially. He organized a nonprofit corporation with many members and a low charge, bought the

property and provided a beautiful beach and picnic grounds. As secretary he served gratuitously for 17 years.

The city of Hamilton not only gave him his professional start, but it was there he met and married the very charming and capable, Dorothy Wallace. She was an ideal help-mate, a splendid planner, an excellent housekeeper and an understanding mother. Three sons were born, Wallace Watson Orr, a lawyer, and now a vice-president of United Electric Dynamics, Warren Denton Orr, an engineer with Lockheed Aircraft in charge of contracts, and William Eugene Orr, with Lockheed Aircraft in the Sales Division, all located in California.

Their family was closely knit, they traveled extensively together and enjoyed sports. The Orrs' home was always open to their friends and the friends of their sons—an ideal example of family life. After his sight failed, no one could have done more than Mrs. Orr did to make him comfortable.

In 1918, his next opportunity to get into politics came and he was nominated as candidate for county judge of Hancock County on the Democratic ticket and elected, though opposed by an older man with a larger acquaintance. His youth and energy carried him through. He was re-elected in 1922, and his services being so satisfactory he was again re-elected in 1926 without opposition. In politics, a partisan Democrat, there was never a time when he was influenced or allowed politics or any personal feeling to control his judgments. His appointments of guardians were made from an alphabetical list of lawyers, he declined to permit a litigant to discuss his case with him, and refused to recommend one attorney over another, which caused all lawyers to respect him.

Judge Orr's experience on the county court proved to the people that his decisions were not dictated by anything other than the law and the facts. The same law was applied to all people, regardless of political affiliation or former friendship.

During this period the Prohibition Act was in force. A former close friend from Hamilton days was caught with 15 barrels of wine taken on a raid. Speculation was being aired as to what Judge Orr would do. The size of the seizure was such that the newspapers had given the case much notoriety. To Judge Orr

it was not a matter of friends but a point that the wealthier man is no different from the poor man. Motions were all denied, the conviction was sustained by the Supreme Court and the defendant given the maximum fine.

Two unlicensed chiropractic cases aroused even more pressure. Both men had many friends. Meetings were held to stir sentiment against the Medical Association, and in favor of the Palmer School practitioners who were the defendants. Letters and calls in numbers poured in urging that the prosecutions be dropped. Again as a judge, he proceeded after motions had been disposed of, to sentence both on verdicts of guilty. The cases went to the Supreme Court on a constitutional ground affecting the Medical Practice Act and in which the Supreme Court upheld its constitutionality and sustained the decisions.

On cases taken up on appeal, he had a remarkable record of being sustained.

Before the days of social agencies, he appointed a mother of understanding as his probation officer and he went beyond the actual call of duty in working out family problems. He was in demand as a speaker and used his talents to explain what he was doing in dependency and delinquency hearings. His board of supervisors were willing to back him and many a boy and girl, through his interest, were given a start.

In 1928, Judge Floyd E. Thompson, who was from the Fourth District, resigned to make a campaign for Governor. This opening pointed the way for Judge Orr to gain his greatest ambition. The Democratic nomination was obtained and his opponent was the late Justice Dietz. The candidates for the office were on the ballot in the Fall election. Judge Orr made a very credible showing and even though he ran ahead of his own ticket in votes, former President Hoover carried the Republican candidate to victory. Justice Dietz had a fatal accident shortly after his election and the Governor made an interim appointment of Judge Samuell. In 1930 there was the regular judicial election and, undaunted by his first defeat, Judge Orr was again nominated, and by this time the trend of politics had begun to swing away from the Republican Party and Judge Orr was elected to this

court at which time he was the highest ranking Democratic officeholder in Illinois.

In 1934, Judge Orr moved his family to Rock Island, a much larger city, and more readily accessible by rail to attorneys who might have occasion to call at his office.

During his term of office, he prided himself on keeping up on his opinions. His relationship with the other members of the court was pleasant. His opinions show his excellent vocabulary, his knowledge of sentence construction and his ability as a writer. While there were differences in the conference room, they were not permitted to affect his personal feelings toward the other judges. Of the then members of the court, Judge Paul Farthing is the only survivor.

In 1933, an effort to simplify legal procedure, and to get away from the old rules of the common law, resulted in a new Civil Practice Act being passed by the legislature, which also required that a new set of rules be adopted by the court. Judge Orr recognized the value of this change and in getting away from the delays of the old practice, assisted in the promulgation of the new court rules.

One honor he enjoyed while on the bench was administering the oath to his eldest son, Wallace, as a new lawyer.

One of the opinions he wrote which probably attracted more attention in the Chicago area was the case of *The Tribune Company vs. William Hale Thompson et al.*, recorded in Volume 342, Ill. Reports, at page 503. This opinion consists of 40 pages. Colonel McCormick was the owner of the Chicago Tribune and William Hale Thompson, the mayor of Chicago. Both men were powerful in the Republican Party but bitter enemies. A suit was brought in 1921 and decided in the circuit court of Cook County in 1928 involving the sale of certain "City Beautiful" bonds which had been issued under a plan for improvement. It was charged that Mayor Thompson and others in his political machine had been guilty of conspiracy in wrongfully obtaining 2¼ million dollars. Judge Orr, being the newest judge and a down-state man, drew the assignment of writing this opinion. The briefs and abstracts took many bound volumes and there were some 4,000 exhibits. Seven weeks of constant work were required to un-

ravel the facts and write the opinion in which there was no dissent. The decree of the lower court was reversed and the mayor and comptroller cleared of the charge of receiving any money illegally or engaging in a conspiracy.

The office of judge goes far back into antiquity. In Exodus we find that Moses judged the cases of his people. When the task became burdensome, his father-in-law, Jethro, advised Moses to select from the people and appoint able men, men of truth and hating covetousness, and let them be judges of the people. By law, age limitations, citizenship, residence and oath are now fixed. From the earliest beginning of this court in Illinois, Justices have been elected and have satisfactorily served the people, and not only have the legal qualifications been met but the qualifications as laid down by the father-in-law of Moses have been evidenced by the members of this court. The men who have served and who now serve do not attract the same public notice as does an outstanding military leader at the time of an armed conflict. The observance of May Day as initiated by the Bar Associations point up the necessity of living under the law if the nation is to survive. Not force but the law prevails. The rank and file of the people do not come in contact with the work of the court as they do with either the executive branch and consequently may give little thought to the personnel of this court. They may not fully appreciate dedicated men who are the defenders of human rights, both personal and property rights, men scrupulous in their honor, whose work takes them from their families when court is in session, and is a jealous master of their time when not in Springfield studying and writing their opinions. Being prepared to argue their opinions in conference, as well as studying the opinions of other members of the court, and in construing new legislation. All this is the work of men to whom the law is a living institution and who recognize their duty to maintain the place of the judiciary in the frame of government—true to the motto of listening to both sides first before forming an opinion.

It is in this class of men that Judge Orr had taken his place, he has made his contribution in strengthening the structure upon which our government is based, and has earned the approbation of his colleagues, and his numberless friends.

Horace in his Odes says: "A good and faithful Judge prefers what is right to what is expedient."

Judge Orr served in the judiciary from 1918 to 1939. His salary as county judge had not been large, and as a Justice, his expenses had increased and he decided that his obligations to his family required that he go back into the practice of law. Two of his famous predecessors, Judge Cooke and Judge Floyd Thompson, had gone to Chicago and had located in firms there. It was with regret that Judge Orr left the bench. For a short time he was with the firm of Cooke, Sullivan & Ricks, leaving the latter to form and head the firm of Orr, Vail, Lewis & Orr. His sight became progressively impaired and he reached the condition where he was unable to read. He then retired to his home in Wilmette, Illinois, where he lived at the time of his death. He retained his interest in sports which he would follow over his radio, and he never tired of talking of politics and maintained all of his interest in government and current affairs.

As a county judge, he had served a term as president of the County and Probate Judges Association. During his practice he had been an interested member in local, State and American bar associations. At the Paris convention he had rendered important committee service for the American Bar Association. He had gone as a party delegate to several National nominating conventions. He represented Governor Henry Horner at the inauguration of Franklin D. Roosevelt. He was a member of the Methodist Church and numerous fraternal orders, being a charter member of the Carthage Kiwanis Club.

His interest in civic enterprises was limitless. Speaking on many occasions, heading fund drives, and serving on committees. His appreciation of the beauties of nature was responsible for the location of the State Highway from Hamilton to Nauvoo along the edge of the Mississippi River. A conflict over its location existed. Governor Horner had occasion to be in Carthage and as a guest was taken to Nauvoo for dinner. This gave Judge Orr an opportunity to show him this route and point out that this scenic road would endure forever. He caused to be prepared papers for the formation of a Park District in Carthage. The first election failed but shortly thereafter it carried and a waterworks

lake and grounds were converted into a golf course, fishing area and recreational spot.

Friendships meant much to Judge Orr. His honors did not turn his head and the friends he had made along the river, with the working people, factory employes, business people, or whom he might mingle with at a college gathering or formal banquet, he was always the same, considerate and understanding in his dealings with people.

In the words of Sophocles:

"Tis pleasant to have found a friend;

For him who good for good returns I hold

A friend more precious than un-numbered gold."

Judge Orr was laid to rest January 16, 1962, in a cemetery at Hamilton in sight of his beloved river.

I move that this memorial be spread upon the records of this court.

MR. CHIEF JUSTICE KLINGBIEL:

The court will be pleased to hear from the Illinois Bar Association, which is represented by its distinguished president, Mr. Horace A. Young.

MR. HORACE A. YOUNG:

May it please the court—On behalf of Illinois State Bar Association I present this memorial honoring the memory of Warren H. Orr, Justice of the Supreme Court of Illinois.

Mr. Justice Orr was the son of James H. and Louisa E. Watson Orr and was born in Hannibal, Missouri, on November 5, 1886. He died in Wilmette, Illinois, on January 13, 1962.

Justice Orr received both his academic and his legal education at the University of Missouri, receiving his A.B. degree in 1909 and his LL.B. degree in 1911.

Shortly after graduation he moved from his native Hannibal across the Mississippi River to Carthage, Illinois, and was admitted to the Illinois Bar in 1911. He began his practice in Hamilton, Illinois, and in 1913 he was made city attorney of Hamilton, in which office he served for 6 years. In 1918 he was elected county judge of Hancock County and served in that capacity for 12

years. He was a member of the Illinois County and Probate Judges Association and was its president in 1923. It is reported that during his 3 terms as county judge he made a most enviable record in that none of his decisions were reversed. This fact was developed on cross-examination in a case tried in Cook County, in which he appeared as an expert witness.

In 1930, he was elected a Justice of the Supreme Court of Illinois from the Fourth District and was Chief Justice of this court in 1933-1934. In July and August 1933 he was a delegate of the American Bar Association to Union Universel de Avocats, Paris, France. In the summer of 1935 he was an associate professor of law in Northwestern University. In 1939 he announced that he would retire at the end of his term and would not seek re-election although he had been offered a unanimous nomination by his party.

At the end of his term he moved to Chicago and became the senior member of the firm of Orr, Vail, Lewis & Orr, of which his son, Wallace W. Orr was the junior member. He continued in practice in that firm until his retirement in 1958.

In 1946 he was one of the organizers and became the first president of The Belmont National Bank of Chicago. He was a 32nd degree Mason, a member of Kiwanis, Phi Delta Phi and Delta Tau Delta fraternities.

It was my privilege to know Justice Orr after he came to Chicago. He was interested in the alumni chapter of Phi Delta Phi and was a faithful attendant at its meeting and social affairs. He was a quiet man but a friendly man.

One of his great interests was that of the study of the life of Abraham Lincoln. He was a profound student of Lincoln and often lectured on the subject.

As one who was born and lived most of his life near the Mississippi River it was natural that he should become a hunter of ducks and geese, an avocation which he diligently pursued and greatly enjoyed.

It has been said, Your Honors, that every man is something of an architect and a builder. In his early years he makes his plans for a life and a career. For the balance of his days he

selects the materials and builds his life. Only at the end of his days do we see the completed structure. Today, as we look at that structure which was his life and career we can say that Warren H. Orr planned wisely and built well.

I move that this memorial be received and spread on the records of the court.

MR. CHIEF JUSTICE KLINGBIEL:

The court has received with appreciation and gratitude these observations upon the life of Justice Orr. Mr. Justice Hershey will respond for the court.

MR. JUSTICE HERSHEY:

The court has asked me to respond to the memorial tendered here today in memory of Mr. Justice Warren H. Orr. The court accepts, with deep appreciation, the tribute presented on the life of an able and faithful member of this court, who served a full nine-year term at the close of which he retired to private practice and did not seek re-election.

When Judge Orr first came on the court there were six "Old-Timers" here, which is usually the case when any new judge is elected. But his situation was somewhat exaggerated by the fact that the country was in the midst of a depression and curtailment of expenses and strict economy was the watchword of many hard-pressed families. Yet he had not been here long until he had succeeded in getting the court to improve their living quarters, setting an example by first improving his own quarters at his own expense.

Judge Orr served also at a time when the court was behind in its work, and even the appointment of two commissioners did not seem to solve the problem. Judge Orr set a splendid example by devoting his summer vacations to working on back cases, his experience in journalism enabling him to write shorter opinions. I am told that he had a horror of saying anything that was not strictly on the issue involved and did not want future generations to be plagued with *obiter dicta* from his opinions.

Judge Orr was ambitious, but he had a worthy ambition,—to serve his State to the fullest extent of his ability. Unfortunately deafness and glaucoma soon brought his active life to a close.

Judge Orr was quite civic minded, and took a keen interest in the welfare of his fellow citizens. During the depression it is reported that he was instrumental in the plan to create jobs with the U.S. Arsenal at Rock Island in cleaning some 700,000 rifles. He was also responsible for the success of the bond issue in Rock Island for a new high school, which was badly needed.

As none of the present members of this court were serving when Judge Orr served his full term here, in making this response for the court I have had to rely mostly on a cursory glance at the opinions he has written. In these he has certainly revealed his ability as a judge. In all he wrote 370 opinions. Many of them decided important issues and I shall briefly refer to some of them.

His first opinion was in a criminal case, *People v. Vehon*, 340 Ill. 511. In this opinion he reverses, without remanding, a conviction which was supported only by the uncorroborated testimony of a confessed perjurer. His last opinion appears in Vol. 372 at page 60, and was filed June 15, 1939, the month in which his 9-year term expired. Rehearing was denied the following October, after he had left the bench. This last case involved the divorce of Merry Fahrney who had married an Italian in New York City. She had lived in Chicago all her life, but the defense was that after her marriage, which lasted only a few weeks, she had to claim the residence of her husband and, that residence not having been in Illinois for one year prior to the suit, the Illinois court had no jurisdiction. Judge Orr's opinion holds that defendant, by his own testimony, had no fixed residence but was a sort of international itinerant who considered Italy his home, and that the plaintiff's suit could be brought in Illinois on the basis of her prior residence, even though the couple never lived in Illinois. The Appellate Court decision was reversed and the circuit court which had awarded the divorce was affirmed. This opinion shows Judge Orr's ability to look at the reasonable side of the law. The opinion says "We do not believe that the legislature intended to withhold the right of access to our courts from a life-long resident of this State merely because she happened to marry someone technically, but not actually, domiciled elsewhere."

One of Judge Orr's longest opinions comprises 40 pages of the reports and was written in the case of *Tribune Co. v. Thompson*, 342 Ill. 503. (It has been referred to by Mr. Williams.)

In another opinion equally as long, *People v. City of Chicago*, 349 Ill. 304, Judge Orr sustained the Chicago comprehensive traction ordinance, enacted pursuant to the Subway Act of 1929 and other statutes.

In *People ex rel. Fergus v. Blackwell*, 342 Ill. 223, an opinion by Judge Orr in a *quo warranto* proceeding held that merely because no re-apportionment had been made the members of the legislature could not be ousted from office, and that the court could not in such a case compel the legislature to re-apportion the State.

In *Bachrach v. Nelson*, 349 Ill. 579, Judge Orr held that the Income Tax Act of 1932 was invalid as a tax on property, not being based on valuation as required by the State constitution, and that certain sections violated the Federal constitution in being discriminatory as to nonresidents.

While many of these opinions were not of great interest to the general public, the bench and bar are familiar with them, and with their titles, but few will recall that they were written by Judge Orr.

After Judge Orr had been on the Supreme Court for some years, his name was submitted to President Franklin D. Roosevelt for appointment to fill a vacancy on the United States Supreme Court. This speaks well of the high regard in which his opinions were held at that time.

I am sure that the sitting judges of this court, for whom I speak, would like for me to say to the family of Judge Orr that we know something of the problems that confront a judge of this court when he attempts to do his work conscientiously, and Judge Orr's work here reveals that he had a very high sense of his responsibility.

As Judge Stone remarked in his response to the Memorial for Judge Cooke, a predecessor of Judge Orr, it can be said of Judge Orr "His work here stands as a lasting monument to a high order of service to the government of this State."

MR. CHIEF JUSTICE KLINGBIEL:

The court will now be pleased to hear from the representative of the Warren County Bar Association concerning Mr. Justice Loren E. Murphy, Mr. John J. Kritzer, a former associate and intimate friend of Mr. Justice Murphy.

MR. JOHN J. KRITZER:

May it please the court—I consider it a privilege and an honor to have the opportunity of appearing before the Supreme Court of the State of Illinois and to have a part in this Memorial Service for Judge Loren E. Murphy, distinguished lawyer, jurist, citizen, neighbor and friend. I speak for the Bar of Warren County, in which county Judge Murphy spent much of his professional career. I have been requested to present to this honorable court the memorial I gave a few weeks ago at a similar service held before the circuit court of Warren County. I do so, feeling that I could add little, if anything, to what was said on that occasion.

I am not here to eulogize Judge Murphy. The record of his accomplishments and achievements as a citizen, lawyer, jurist and friend already has been written upon the memory of the older citizens of his community, as well as upon the memory of those lawyers throughout the State of Illinois who were acquainted with him over the years. His service as a jurist has been written upon the records of the circuit court of the Ninth Judicial District, the Appellate Court of the Fourth District, and the Supreme Court of this State. My remarks are based on my personal contact and association with Judge Murphy during the years from 1917 through 1939 as a practicing attorney, his friend and partner.

Judge Murphy was county judge of Warren County, when I came to Monmouth 47 years ago. Like so many young men, I lacked clients, acquaintances and experience. And like many young lawyers today sorely needed the guidance, sympathy, advice, wisdom, and encouragement from some older, experienced lawyer. Fortunately, I found such a person in Loren E. Murphy. On frequent occasions, he would call me into his office or stop me on the street and in his kind, gentle manner inquire regarding my health, family, progress and problems, offering encouraging suggestions,

sometimes minimizing my problems and frequently making helpful suggestions toward their solution.

Judge Murphy's second term as county judge ended in 1918. He then opened an office in Monmouth in the Odd Fellow Building above Pearson's Harness Shop, now the Stanton Agency. I, too, had an office in the same building adjoining his office. I saw him daily. I watched the steady coming and going of people who climbed the stairs to his office. I soon realized that Judge Murphy must have unusual qualities which attracted people to his office. I discovered that his practice was made up of people from all stations of life—poor, rich, young, old, black and white. They came to his office. Why? Because he was kind, approachable, upright, understanding, honest, capable and attentive to business.

In January, 1924, Judge Murphy and I formed a partnership. For the next seven years, we conducted a general practice in Monmouth, with offices in the Odd Fellows Building. We handled a great number of important cases. My association with him as a partner, during those years, gave me a further opportunity to observe and appraise those qualities which made him a great lawyer and later a splendid judge. In the first place, I found Judge Murphy to be a good and honest man, gifted with rare common sense. He was also studious and possessed a fine legal mind. He represented his clients diligently, but in so doing recognized the rights of his adversary. He gave his best in prosecuting or defending his clients' causes, but never taking advantage of the opposition by the employment of questionable and unethical tactics. In victory he was humble. In defeat he showed good sportsmanship. If he lost a case, he did not complain about the results or criticize judge or jury. In his handling of cases, lawyers for the opposition often congratulated and commended him for his conduct towards them and his decorum before the court. The seven years that Judge Murphy and I were partners were perhaps the most enjoyable and valuable years of my entire practice. In retrospect, I feel that what ever success I may have achieved as a lawyer, I should attribute that success to those years when I was a partner of Loren E. Murphy.

Judge Murphy was public spirited, too. He served on the board of the Monmouth Hospital for 5 years. He was elected president

of the Board of Education of School District No. 38 in 1923 and served in that capacity until 1929 when he resigned and ran for the office of mayor of the city of Monmouth. The citizens of Monmouth elected him as their mayor for two terms. He later served on the Monmouth Park Board and the Police and Fire Commission. Judge Murphy expressed himself, frequently, that he felt that it was his duty, as a lawyer, to give of his time and energy to public service as a mark of appreciation for the privilege he enjoyed of being a lawyer and citizen.

I shall not speak of the years when Judge Murphy presided over the circuit courts of the Ninth Judicial District nor the period when he sat upon the bench of the Appellate Court of the Fourth District at Mt. Vernon nor the years he sat upon the bench of the Supreme Court of this State. Others have or will likely speak of his services in those courts. In passing, I am certain that lawyers who appeared before him in presentation of their cases were impressed with his manner of disposing of their cases—his kindness, courtesy, judicial demeanor, attentiveness, and thoroughness in reaching his decision. I think it is well to recall in passing that the record will show that Judge Murphy rendered decisions in approximately 334 cases during his term in the Supreme Court of this State.

After Judge Murphy's retirement from the bench, I had frequent opportunities to consult with him regarding various matters. Again, on those occasions I was impressed with the man. I found him to be the same jovial spirit, with the same keen intellect and the same interest in local affairs and the members of the bar.

In his declining years, I, like some of you, called upon him in his home where he was so wonderfully cared for by his good wife and son, Lewis. In my visits, I was impressed with his interest in life, farming, baseball, and the everyday happenings. Never once did I hear him complain. It was always the same Loren E. Murphy that I had known 47 years earlier and during the years when I was his partner.

Judge Murphy's concept of the practice of law, as a high and honorable calling presenting opportunities of helping others and opportunities to serve county, city and State, still impresses me. If he had considered the practice of law as a business, he probably

would have stored up riches, but had he done so, today we would be measuring his character and achievement with a very different yardstick.

May we all as members of the bar cherish the memory of Judge Loren E. Murphy and emulate his good deeds and qualities that made him an outstanding lawyer, judge, citizen, neighbor, and friend, in order that we may become better lawyers and greater credit to the community in which we reside and to the profession Loren E. Murphy loved so much.

I am sure that the words of II Timothy, chapter 4, verse 8, came to our minds when we learned of Judge Murphy's passing June 2, 1963. "I have fought a good fight. I have finished my course. I have kept the faith. Henceforth, there is laid up for me a crown of righteousness, which the Lord, the righteous Judge, shall give me at that day and not to me only, but unto all them also that love his appearing."

MR. CHIEF JUSTICE KLINGBIEL:

The court will again be pleased to hear from Mr. Horace A. Young.

MR. HORACE A. YOUNG:

May it please the court—The Board of Governors and membership of the Illinois State Bar Association are honored by your invitation to participate in this memorial service honoring the memory of Mr. Justice Loren E. Murphy.

It is fit and proper that memorial services such as this service should be held. During these days, judges, lawyers and the public alike should be reminded that always we build upon the firm foundations of the past. We cannot ignore the past and the vast stores of truth which have been accumulated. In the 443 printed volumes of the reported decisions of this court we see the landmark decisions and we also see evidences of growth, development and refinement of the law, evidences, if you please, of evolution but not of revolution.

As we look back we see that every Justice who has ever sat on this court has made his own contribution to this impressive body of truth which we call the law of Illinois.

Justice Loren E. Murphy was born in Cuba, Fulton County, Illinois, on July 23, 1882. He was graduated from the University of Michigan Law School in 1906 and commenced the practice of law in Monmouth the same year. In 1910 he married Miss Bessie Ditto of Seaton, Illinois. Of this marriage there were born four sons and four daughters.

In 1910 he was elected county judge of Warren County and served in that capacity until 1918. In 1924 he formed a partnership with Mr. John J. Kritzer, who participates here today. In 1929 he was elected mayor of Monmouth and served for two terms. In 1932 he was elected a circuit judge of the Ninth Judicial Circuit and served in that capacity for a period of seven years. During the last four years of that service he was designated as one of the justices of the Appellate Court, Fourth District, and sat at Mt. Vernon.

Justice Murphy was elected to this court in 1939 and served a term of nine years ending in 1948. He was the Chief Justice of this court in 1942-43 and again in 1947-48.

In 1948 he became vice-president and general counsel of Illinois Bankers Life Assurance Company and retired in 1956.

There are a few men in every generation who are born for their part in the affairs of men. Justice Murphy was one of those men born to be a judge. Tall, handsome, with an imposing appearance, great natural dignity and a resonant voice, he looked like a judge and acted like a judge. He had an enviable judicial record in every court in which he served. His freedom from bias and his ability to cut through to the real issues of the case were noteworthy.

The best proof of his attractive personality and outstanding judicial ability is found in the fact that as a Democrat residing in Republican territory he was elected many times by Democrats and Republicans alike.

In that long line of learned and devoted jurists who have sat on this court from 1818 to the present hour we find that Loren E. Murphy has an honored place. We pay tribute today to the memory of our departed friend, one who contributed much to the law of our State. His example inspires us to persist in man's ever ongoing search for justice.

I move that this memorial be received and be spread on the records of the court.

MR. CHIEF JUSTICE KLINGBIEL:

We have listened with deep appreciation to the tribute paid today by distinguished gentlemen of the bar to the memory of Mr. Justice Loren E. Murphy. Every member of this court sincerely concurs in the sentiments expressed, even though we have not had the good fortune to have known him personally.

There are other ways, perhaps, of getting to know a man, and I can think of no better substitute for personal acquaintance than the writings he leaves behind. It has been sixteen years since Judge Murphy left this bench, and during that time each of us has had frequent occasion to consult and benefit from the fine opinions he wrote for the court. His logical analysis of the law, the thoughts expressed, and the pleasing style with which they are presented all leave an enduring impression of depth in thought of kindness in manner, and of conscientious devotion to duty. The products of his work are so well supported by sound reasoning that they are cited numerous times as precedent, and are frequently quoted because of their accuracy and conciseness.

In the discharge of his duties as a justice of this court he left his mark for all to see. His contribution to the preservation of our system of justice will never disappear as long as that system exists. Although the work of a judge is seldom publicized or brought to the attention of people generally, it may always be found in records and law books in the court where he sat, in lawyers offices, and on the shelves of libraries.

The eulogy we pay to Justice Murphy today is doubtless unnecessary for those who knew him. Nothing we might say could add to the high regard in which he was undoubtedly held by his family, friends and acquaintances. For those who did not know him and for those who may read the record of these exercises in the future—the remarks on this occasion will, we trust, give some hint of his worth, and of the rich influence of his life. But the real testimonial lies in the fabric of his writing, in the record of his service to the law and to the people of this State. We mourn the loss of a highly valued friend and colleague but we are thankful

for the rich legacy of his work which he has left for us and for the generations to come.

The remarks made here today will be spread upon the records of the court and copies thereof will be transmitted to the families of the late Mr. Justices Warren H. Orr and Loren E. Murphy by the Reporter of Decisions. Tape recordings have been made of all that has been said here on this occasion and these tapes will be sent to the families.

As a further mark of respect the court will stand adjourned until 9:30 tomorrow morning.

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EDWIN HILL COOKE
REPORTER OF DECISIONS.

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