

IN MEMORIAM.

ANTHONY THORNTON.

PROCEEDINGS IN THE SUPREME COURT OF ILLINOIS AT THE
APRIL TERM, 1905, OF THAT COURT.

The Hon. ANTHONY THORNTON, formerly one of the justices of this court, died at his home in Shelbyville, Illinois, on September 10, 1904. At the April term of the court, 1905, the following memorial proceedings were had:

Hon. George D. Chaffee addressed the court, as follows:

If your Honors please—The bench and bar of Shelby county, at the November term, 1904, of their court, placed a duty upon Gen. H. J. Hamlin and myself to present to the Supreme Court of the State the records of the proceedings of the bar in Shelby county upon the occasion of the meeting of that bar to take proper ceremonies to record the death of the Hon. ANTHONY THORNTON, ex-judge of the Supreme Court of the State, who departed this life on the tenth day of September, 1904, aged eighty-nine years and ten months, and we bring here with us, and will leave with the clerk of this court, a certified copy of the proceedings of the bar in the home county of our distinguished brother. In doing this we feel justified in taking some of the time of this honorable court to embalm the memory of this distinguished man so that his long life and valued services to the State of his adoption may be a part of the records of the court which he so honored, and an inspiration to the honorable judges now on the bench, and those who come after them, to emulate his example.

Some, if not all, of the gentlemen now on the bench had more or less intimate acquaintance with Judge THORNTON in his lifetime.

He was a remarkable man. He commenced his practice in the State of Illinois in 1836 and closed it in 1904, covering a period of sixty-eight years. At the time he commenced his practice, Andrew Jackson was president of the United States, and, including him and the president elect, twenty presidents have sat in the executive chair. Thomas Carlin was Governor of the State of Illinois. Since then we have had seventeen Governors, most of whom, if not all, Judge THORNTON knew. At the time he began practice Texas was a foreign country. Joe Smith and the mormons lived at Nauvoo. It is not probable that there was a carriage in the county of Shelby at that time. The telegraph, telephone, electric light and petroleum lamps were unknown and cook stoves were a luxury. The cyclopean eye of the locomotive had never chased the darkness over our prairies. Men rode to mill, to court, to church, and everywhere, on horseback, and their most rapid mode of travel was a rude stage coach. Most of the houses in the country were log and the floors puncheon. Gold had not been discovered in California. The idea of reapers, mowers, threshing machines, sewing machines, etc., had not entered the mind of man. It was twenty-four years after he began practice before the great war of the rebellion darkened and saddened our country.

Judge THORNTON was physically a giant, standing about six feet three inches. His mental powers were equal to his physical powers. He came of old English stock, his ancestors living in Virginia, and he was born in Kentucky. His grandfather was a colonel in the Revolution, and I have often seen his commission, signed by Gov. Patrick Henry. The judge was a well educated man and graduated from Miami University, Ohio. He was a great student all his life in his profession, and was an omniverous reader of current literature and of the best literature of the past. He practiced law under Judges Sidney Breese, Treat, Underwood, Turner, David Davis, Constable, Harlan, Wilson, Shields, Emerson, Gallagher, Rice, Phillips, Vandever, Creighton, Shirley, Gross, Farmer, Dwight and Ames. In his extensive practice, covering this long period of years, he came in contact with all of the great men of central Illinois. He had a joint debate with Lincoln at Shelbyville in 1856, and afterwards, in 1860, had a joint debate with Leonard Swett. He says: "Of all the lawyers whom I have ever met, Lincoln was the most marked for fairness and honesty. He was always forcible, and could manage and present a good case with as much power and clearness as any man I ever saw." He was engaged in many interesting murder cases in his early practice, one of which was defending the

brother of ex-Gov. Duncan. One of the most remarkable cases in which he appeared for the defense was known as the Emma Bond case, tried for a month before Judge Phillips at Hillsboro, and among other lawyers engaged in it was one of the present judges of this court. The verdict was "not guilty."

Though not a politician and never seeking office, he was elected to the constitutional convention of 1848, and helped to make the constitution which governed the State until 1870. In 1850 he was elected to the legislature, at which time the Illinois Central railroad was chartered, and the last time the judge ever fixed his signature to a paper was at the request of the president of that company, stating his recollection about some fact relating to the granting of that charter. Mr. Lincoln and Gen. John A. McClernand were members of that assembly. In 1862 he was again a member of the constitutional convention, but the people failed to ratify the act of the convention. In 1864 he was elected to Congress from the district then composed of Shelby, Montgomery, Macoupin, Jersey, Green, Calhoun, Morgan and Scott counties. In that Congress he served with Thad. Stevens, Rutherford B. Hayes, James A. Garfield, James G. Blaine and Roscoe Conkling. He was re-nominated for Congress but declined to run. In 1870 he was nominated by the bar for the Second District of the Supreme Court and ran against Aaron B. Shaw, who was nominated by the democrats in a democratic district, and Thornton was elected by over 8000 majority. He always advocated the idea that judges should be nominated and elected on non-partisan tickets. After three years' service he resigned. Gov. Altgeld in 1895 appointed him on the State Board of Arbitration, which was the last public office he ever held. While upon the Supreme bench he wrote 180 opinions, the first of which appears in Vol. 54 and the last in Vol. 67 of the Supreme Court Reports.

He was a great advocate and a most earnest and interesting speaker. He had a strong voice, and when aroused few men could equal him before a jury. Emerson somewhere says, "Foxes are cunning because they are not strong." Judge THORNTON was not cunning; he was strong. He despised tricks and chicanery; he was honest. The methods adopted by many persons who have license to practice law, to win cases either by undue and unfair influence upon some juryman outside of court, packing juries, getting witnesses to swear to things not true, and in other methods which have given many lawyers an unfair success, were foreign to his nature, and he could not be persuaded to join or aid in any such nefarious work.

His associates on the Supreme bench were Charles Lawrence, Pinkney H. Walker, John M. Scott, Sidney Breese, William K. McAllister and Benjamin Sheldon,—all of them strong men and constituting a very strong court. The strongest of these, from his long experience and great erudition, was Judge Sidney Breese, who in his decisions and in his personal appearance resembled the old English judges. Without boasting, we think Judge THORNTON, while on the bench, was his peer. The standing he took when he first went upon the bench had the effect of stimulating the entire bench, as judges, like other men, must emulate the best work that they see done.

His command of language was good, his diction was easy and his sentences perspicuous. As an illustration, the court will bear with one sentence from a case decided in 54 Ill., involving the right of the man charged with a crime to have his case fully heard. The judge said: "When life and liberty are at stake, every circumstance connected with the alleged crime which may tend to excuse or palliate the conduct of the party charged or explain the motive should be submitted to the jury." In the *Ford case*, also in 54 Ill., in a proceeding to disbar Ford, an insight into the judge's character and his appreciation of the profession can be clearly observed. He says: "The facts in this case develop a delinquency abhorrent to every honest man. They reveal his wicked intent and disclose the use of a falsehood for the base love of gain. A lawyer assumes high duties and has imposed upon him grave responsibilities. He may be the means of much good or much mischief. Interests of vast magnitude are entrusted to him. Confidence is reposed in him. Life and liberty, character and property should be protected by him. He should guard with careful watchfulness his own reputation as well as that of his profession. The defendant has neglected his duties, betrayed confidence, practiced deceit and turned recreant to virtue. He has not alone disgraced himself, he has tarnished the fair fame of a profession always esteemed honorable. He should no more be permitted to minister in the temple of justice. His name should no longer be enrolled on the list of those who scorn meanness and abhor falsehood. He who has not an instinctive and unswerving love for truth and honor is not a faithful lawyer."

In all the decisions of Judge THORNTON he fully recognized that in all the various occupations to which mankind turn their attention, none is so well adapted to train a man in ethics as the study and practice of law. He recognized that in general practice, such as most eminent lawyers have, or in a position on the bench, where

the business of the people is finally settled, the lawyer and judge, in the course of a lifetime, have every human interest before them for consideration; that a judge must decide all questions involving life and property and character, and every question of human hope, ambition and affection. In the famous *Cheney Church case* he stated: "In this unhappy controversy is involved a graver question and of deeper moment to all christian men,—indeed, to all men who believe that christianity, pure and simple, is the fairest system of morals, the firmest prop of the government, the chiefest reliance in this life and the life to come. * * * All history warns not to rouse the passion and wake up the fanaticism which may grapple with the State in a death struggle for supremacy. * * * Courts will interfere with churches and religious associations when right to property and civil rights are involved. * * * Civil courts have duties and responsibilities devolved upon them and a well defined jurisdiction to maintain. The church has more solemn duties, more weighty responsibilities and authority, granted by the Infinite Author of all things. We shall not enter in and light up her temple with unhallowed fire."

The judge always remained youthful in his love of sports of his early days. Until game became scarce he took a hunt every year, and until the last day of his life he remained an expert disciple of Izaak Walton. While he was wedded to his profession, he loved agriculture, and wasted more or less of his earnings at the bar in experimental farming.

The value and standard of the usefulness of a long life of public service cannot be estimated, nor can the time of his influence be limited. Judge THORNTON was the moving spirit in procuring the law by which we have an Appellate Court. Roughly estimated, 100,000 cases have been decided by that court and the rights of hundreds of thousands of people affected thereby. The end is not yet—hardly the beginning. He also was a prime mover in forming the State Bar Association and for many years its honored president. Who will undertake to set the boundaries of the good influence of that association upon the bar of this State, and, through them, the influence upon all the people everywhere?

The judge was a magnificent specimen of the old school gentleman. He was a type unique in a way,—not by any means perfect, having many of the weaknesses common to human nature; a man of whom it may be said, as is often said of others: "He was a man, take him for all in all, I shall not look upon his like again."

Mrs. Moulton, wife of Hon. Samuel W. Moulton, who was a life-long associate of Judge THORNTON in all his court life, clipped from the *London Spectator* a short poem which in many things applies to the subject of our remarks and holds the mirror up to life:

"Not till life's heat is cooled,
 The headlong rush slowed to a quiet pace,
 And every purblind passion that has ruled
 Our noisier years at last
 Spurs us in vain, and, weary of the race,
 We care no more who loses or who wins,—
 Ah! not till all the best of life seems past
 The best of life begins.

To toil for only fame,
 Handclappings and the fickle gusts of praise,
 For place or power, or gold to gild a name
 Above the grave whereto
 All paths will bring us, were to lose our days,—
 We, on whose ears youth's passing bell has tolled,
 In blowing bubbles, even as children do,
 Forgetting we are old.

But the world widens when
 Such hope of trivial gain that ruled us lies
 Broken among our childhood's toys, for then
 We win to self-control
 And mail ourselves in manhood, and there rise
 Upon us from the vast and windless height
 Those dearer thoughts that are unto the soul
 What stars are to the night."

The psalmist fixed the span of man's life at three score and ten years, but at that period the judge was a vigorous man; the golden bowl was not broken; the silver cord had not been loosed; the pitcher was not broken at the fountain; the sound of the grinding was not low; the grasshopper was not a burden; desire had not failed nor the time come when he could say, I have no pleasure in God's sunshine. Not until another score of years did the mourners go about the streets with bowed heads as they missed his well known and rugged face. We think of the magnificent march of events, the wonderful achievements of man, the discoveries of science, the growth of civilization, that have occurred during the lifetime of this man and are awed into silence.

Ten years ago the bar of Shelby county procured a life-size portrait of the judge (as he then looked) to be painted by Robert Root, a most capable local artist, which was hung, with proper ceremonies, in the Shelby county circuit court room. A photographic copy of this painting I now offer to this court, and thank the court for its patient attention.

The proceedings of the Shelby county bar, referred to in the foregoing remarks of Senator Chaffee, are as follows:

Whereas, in the course of human events ANTHONY THORNTON, late a resident of Shelby county, Illinois, and for nearly seventy years a member of the Shelby county bar, has been removed from our midst to that bourne from whence there is no return; and whereas, our brother was the oldest and most honored and distinguished member of the Shelby county bar, and a prominent judge of the Supreme Court of the State of Illinois, and a statesman of wide reputation and great influence, and an exemplary citizen and kindly neighbor and friend; therefore,

Be it resolved, by his brothers of the Shelby county bar here assembled, that we sincerely deplore the loss of our departed brother, and that we will affectionately cherish in our memories his many virtues, his great intellectual and legal acquirements, and noble achievements in our State and nation for the benefit of mankind and as a shining example for posterity.

Resolved, That the chairman of this meeting present a copy of the proceedings of this meeting to the circuit court of this county at its next session, and pray the court, in behalf of the Shelby county bar, that the proceedings of said Shelby county bar be spread on the records of said court so that they may be preserved for all time to come, and that such other proceedings may be had before said court as may seem proper and meet on that occasion.

ANTHONY THORNTON was born on a farm six miles east of Paris, Kentucky, November 9, 1814. His ancestors, both paternal and maternal, were from England, emigrating to Virginia in 1600. His great-grandfather and his grandfather were tobacco planters, exporting their product direct to Liverpool. Both bore the name of Anthony,—a name he afterwards bestowed upon his son and grandson. Six years before his birth his grandfather and father migrated to the famous blue grass region of Kentucky, the party numbering one hundred and the journey consuming forty-two days. His grandfather was commissioned colonel of militia by Patrick Henry. His mother's maiden name was Mary Towles, who was born and married in Spottsylvania county, Virginia. He was the only survivor of a family of ten children. At the tender age of five he was bereft of both father and mother, and with four brothers and two sisters was sent to live with his grandfather. There he remained twelve years, working on the farm and attending a crude country school. His grandfather was a man of unbending piety and strict

discipline, and it was during this period that he formed the habit of tireless industry and imbibed the sterling virtues that made him one of the foremost men of his time. When he came into his limited patrimony his guardian desired him to become a merchant, but, declaring that a good education would fit him for any position, he went to an aunt and attended preparatory school at Gallatin, Tenn. Later, he spent a year at Center College, Danville, Ky., and in another year was graduated at Miami University, at Oxford, Ohio. For two years he studied law with an uncle in Paris, when he was licensed to practice. In 1836 he went to St. Louis, intending to locate in Missouri, but coming to Shelbyville by river, rail and stage to visit the family of Gen. William F. Thornton, he concluded to remain here. At that time Shelbyville was a village of two hundred, in the heart of a wilderness. There were few public highways and practically no law-books, and for ten years he rode to all courts on horseback. As major of militia he organized a company for the Mexican war.

Judge THORNTON was married to Mildred Thornton, a daughter of Gen. Thornton, in 1852. She died September 24, 1856. To this union two children were born,—William Towles Thornton, who is still living, and Anthony Thornton, who died July 13, 1873. On August 30, 1866, at Springfield, Ohio, he was married to Kate H. Smith, daughter of Addison Smith. By this marriage came two children,—Katherine Presley Thornton, wife of Dr. Harry C. Frankenfield, of Washington, D. C., and Lewis Walker Thornton, of London, England.

In politics he was a Whig, and took an active part in the campaigns of Harrison, Clay, Taylor and Scott. In 1856 he became a democrat, and had a notable debate, during the Fremont campaign, with Abraham Lincoln, a personal friend, for whom he had the greatest esteem. He was a member of the constitutional convention of 1848, of the State legislature two years later, and of the constitutional convention again in 1862. At the close of the war, in 1864, he was elected to a seat in Congress, serving with Garfield, Blaine, Stevens, Hayes, Conkling and Moulton. Re-nominated at the close of his term, and sure of his re-election, he declined the office on account of personal matters. In 1870 he was elected judge of the Supreme Court and served for three years, where he made a record as one of the ablest jurists of his day. His associates on the Supreme Court bench were Breese, Walker, Lawrence, Sheldon and Scott. In 1873 he formed the State Bar Association, of which he was the first president, being twice re-elected. In 1895 he was appointed by

Gov. Altgeld as president of the State Board of Arbitration. Always a great friend of education, he was one of the organizers and promoters of the Shelbyville Seminary. He was a diligent student, devoting sixteen hours a day to his books for more than half a century.

His practice at the bar covered the unprecedented term of sixty-seven years. At different times he was associated with his nephew, Anthony T. Hall, and George R. Wendling, H. J. Hamlin, and Judge William H. Ragan, in the practice of law. For three years he practiced law in Decatur. He loved his profession too ardently ever to give it up, trying cases within six months of his death. His command of language was great, his diction was nearly faultless and he rarely revised his work. He was a powerful advocate. In the time of the rebellion his services to the Union were inestimable. Although a southern man by birth and connected with the south by all the ties of blood, he was unfaltering in his efforts to uphold the Union, and several times risked his life at critical times to pacify infuriated mobs. He was a physical and intellectual giant. His history is the history of the country, and posterity will revere him as one of the men who moulded opinion and legislation that will endure as long as liberty.

Resolved, That Hon. George D. Chaffee and H. J. Hamlin be requested to present the proceedings of the court and bar of this county this day had in memory of the late ANTHONY THORNTON, to the Supreme Court of the State of Illinois in full session, and pray that said court order said proceedings to be spread upon the records of said court.

Hon. H. J. Hamlin, late Attorney General of Illinois, then addressed the court, as follows :

If the Court please—I have not prepared any extensive remarks upon the subject of Judge THORNTON. It was my good fortune to be intimately associated with Judge THORNTON for a period of over twenty years. I read law under his instructions from 1872 to 1875, and I attribute largely whatever success I may have attained, at the bar or otherwise, to his influence and advice. I was admitted to the bar in 1875. In 1877 I became a member of the firm of Thornton, Wendling & Hamlin, and continued in partnership with Judge THORNTON for a period of over eighteen years.

He was, in a large sense, a great man,—not only as a lawyer, but as a statesman and as a public thinker. He kept pace with new

questions,—both of law, of policy of government, and even literary affairs. He was fortunate in having the elementary foundation well laid to make a great lawyer, jurist and statesman. He was thoroughly educated. He commenced in a preparatory school, or, rather, a subscription school, as he often told me, there being no common schools in the State where he lived at the time he was of that age. He attended a preparatory school at Nashville, Tenn., one of the best then in the country. After finishing in that school he went to Center College, and finally graduated at the Miami University, in Ohio. He was a fine Latin and Greek scholar. He could read German and French. While the literature of the country at that time was not as large, necessarily, as it has since grown to be, it was that kind of literature that was of choice character, and reflected the early views of some of the most distinguished men that this country has ever known. As Judge THORNTON became able to purchase a library, upon the shelves of his library were found such works.

After he graduated from Miami University he read law with an uncle of his at Paris, Ky.—John R. Thornton. He was examined three days before the Court of Appeals in Kentucky, and was licensed by Judges Marshall and Robertson. When he came to Illinois, in 1836, he was admitted to practice here, being licensed by Judges Wilson and Brown. He was thoroughly grounded in the common law. The only Report we had in the State when he commenced to practice, was the one little volume of Breese's Report. Through his whole career as a lawyer he always held to the view that the common law of this State was broad enough to reach most any question that could be presented for trial and decision. I know he wrote an article, which I have mislaid, upon the subject of "Trusts." He was then eighty-five years of age. It is a most comprehensive article in support of the proposition that the common law of Illinois is broad enough to control all trusts and illegal combinations.

He was a man that despised pretense and snobbishness. I recall a little incident that occurred when I was reading in his office, that illustrates that peculiarity of his disposition and character. A great many people thought he was overbearing,—austere,—and sometimes I was led to believe that that was true, but he was really a large-hearted, sensitive, sympathetic man. This incident was where he had been employed in an important will case by some parties who lived in an adjoining county to Shelby. He had given a great deal of attention to the case. It was an important one, and, unknown

to him, some of his clients had employed another lawyer, for whose ability he did not entertain a very high regard. He was a lawyer distinguished more for the noise he made in a case than for the profound learning or the skill that he showed in trying a case. I knew when he came into the office that he had been employed. Judge THORNTON was sitting in the corner of the room, at his desk, with his back to the door. Wendling was sitting on the opposite side. I sat where I could see what was going on. The gentleman came in. He was very pompous in appearance. He walked up to Judge THORNTON'S desk, where he was busy. THORNTON was a man who did not like to be interrupted at any time when he was busy. He said, "Good morning, Judge." THORNTON glanced over his left shoulder and saw who it was, and said "'Morning." He said: "Judge, I have been employed as principal counsel in the will case of Duncan against Spresher." Thornton deliberately turned around and looked at him and said, "What a fool our client must be!" He turned around and resumed his work, and that was all the satisfaction that the assistant counsel received. That illustrates, in a way, one of his peculiarities.

It has been said that when he was upon the Supreme Court bench he had some difficulty with Judge Breese. He has talked with me about it, and since has, in an article prepared when he was in his eighty-seventh year, I think, made some reference to it. Judge Breese was the judge before whom he tried his first case in the circuit court. In speaking of Judge Breese in this article he says: "He was a fine scholar and profound lawyer, a model judge." THORNTON was a man that held fast to his opinion when he had made up his mind. Judge Breese was a man of the same type, as members of this bench know, and the only approach to any misunderstanding, if there could be said to be such, was the tenacity with which each held to his respective opinion. I do not remember the case, but under the rules and practice of the Supreme Court at the time when THORNTON was upon the bench the opinions were read. While prepared by each judge, they were read in conference before all of the judges. THORNTON had prepared an opinion in a certain case to which Judge Breese had taken some exception, and in the course of the argument in regard to this opinion,—THORNTON was highly sensitive at any insinuation or intimation that he was governed other than by the very highest principles,—Judge Breese made some remark that questioned THORNTON'S motive, and thereupon a scene ensued; but it was merely temporary, and nothing of any character that could be said to be improper upon the part of

either. He says, himself: "My resignation as judge has been thought to have been a strange whim. It was not done because of any dislike of the position. Indeed, I had a decided fondness for it. My brother judges were genial and pleasant gentlemen and well trained lawyers. My association with them, as well as with members of the bar, was uniformly kind and respectful." That is what he says himself. The fact is, at the time that Judge THORNTON resigned, the practice of law had grown to be remunerative, and the firm that he had left, and which afterward, when he resigned, he became a member of, was earning large fees. The Supreme Court was poorly paid at that time, as your honors know. The work was hard and burdensome, and I think that Judge THORNTON'S resignation was simply due to the fact that he desired to return again to the practice of his profession.

I have made some memoranda here of a historical character, but they have been covered by what Senator Chaffee has said, and I will not repeat them.

Throughout all my acquaintance and association with Judge THORNTON, what I liked about him the best of all and that made the greatest impression with me, and, so far as I am concerned, I trust had a proper influence with me, was his high ideal of the profession of law. He always held it to be a profession requiring the strictest integrity and honesty and thorough preparation and ability, and he was an illustration and exemplification of those ideas. He held the standard high, and especially the standard of integrity. His motives as a lawyer, his decisions as a judge, were never questioned. Living, as he did, for years in the same community, practicing over the same territory, largely, I think that it can be safely said and known by some of your own number that no one ever did question his integrity or his character.

I cite one little instance to show how vigorous his mind was up to the very time of his death. In an important case pending before this court while I was filling the office of Attorney General, I had grave doubts as to the constitutionality of a certain act of the legislature that was involved before this court. Knowing Judge THORNTON so well, I wrote him a personal letter, asking his views as to the constitutionality of this act. At the same time I wrote to a distinguished lawyer in Chicago,—a friend of mine, a constitutional lawyer,—upon the same question. THORNTON was then in his eighty-eighth year. I received his answer, written in his own handwriting, of about ten pages. He had been in the constitutional convention of 1848. He was thoroughly familiar with the history of the

internal improvements of Illinois. He was familiar with the questions that had come up in the State along those lines. His letter was as clear an exposition of the unconstitutionality of the act, to my mind, as any opinion that he had written twenty years before, while the opinion, I might say in passing, of the attorney from Chicago was exactly the reverse. The views expressed by Judge THORNTON were afterwards sustained by this court in an able and convincing opinion.

I conclude by reading what he said of himself in his eighty-seventh year: "At nearly eighty-seven years of age I am still active, in the active practice of my profession, enjoy fairly good health, have a happy and quiet home and have no fears of the future. I cannot say that my life has been a galling load along a heavy and weary road, for I have had my full share of honor, happiness and enjoyment. I have always tried to have an uncorrupted conscience, to be honest in thought and action, to be faithful to duty and myself, and to so act as to have a proper respect for myself. I cannot tell what you and other men think of this life, but for my single self I had as lief not be, as to live and be in awe of such a thing as myself. With trustful reliance upon the goodness of the Almighty I am satisfied to reach the end."

If the court please, he has passed away. He was my true friend when I was a struggling young lawyer. I loved, respected and admired him. No wish for gain or love for power ever tarnished the shield of his integrity or corrupted the channels of his high ideals. He was what he pretended to be: the soul of honor and with the courage of sound convictions. The character and ability of such men are the foundation stones upon which rests our great profession. Let us follow in his footsteps and emulate his example. He is dead, but the record of his judicial ability and his greatness as a judge is written in the Illinois Supreme Court Reports, to be read for ages to come. What higher tribute than this can be paid any man: "He was a great lawyer, a just judge, an honest man."

If the court please, I thank you.

At the conclusion of the remarks of Mr. Hamlin, Mr. Chief Justice Ricks, in accepting the memorial, made a few well-chosen and feeling remarks, and ordered that the memorial be spread at large upon the records of the court.

REPORTS

OF

CASES AT LAW AND IN CHANCERY

ARGUED AND DETERMINED IN THE

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VOLUME 216.

CONTAINING CASES IN WHICH OPINIONS WERE FILED IN JUNE AND
OCTOBER, 1905, AND CASES IN WHICH REHEARINGS WERE
DENIED AT THE OCTOBER TERM, 1905.

ISAAC NEWTON PHILLIPS,

REPORTER.

SPRINGFIELD:

1905.