

Paul Farthing 1933-1942

© Illinois Supreme Court Historic Preservation Commission
Image courtesy of the Illinois Supreme Court

Justice Paul Farthing served on the Supreme Court for only one term, from 1933 to 1942.

For the year beginning in June 1937, he rotated into the chair of the Chief Justice. Prior to



joining the court he was a circuit court judge for several years. He had been totally blind since childhood. Yet, according to people who came into contact with him he had “so completely conquered his disability that neither in personal contact nor in appearances in court is one conscious of his physical handicap.”¹

Paul Farthing was born in the small town of Odin in Marion County a few miles west of Salem in south-central Illinois on April 12, 1887. He was one of two sons of

William Dudley Farthing and Sarah Boyd (Phillips) Farthing. His complete name was William Dudley Paul Farthing, but he was called Paul even in official documents. He was blinded in a hunting accident when he was twelve years old, yet he never lost any time while pursuing his education and career. He graduated from the Illinois school for the blind at Jacksonville in 1904 at the same age as any other high school student. He graduated with a bachelor’s degree from McKendree College in Lebanon in southwestern Illinois five years later in 1909, then enrolled in the University of Illinois Law School from which he received his juris doctor degree in 1913. His academic career was successful because his brother Chester attended with him and read all the material to him. Even so, he retained all the information because of his remarkable memory.

His brother Chester received his law degree at the same time, and they would practice law together for many years.²

He was a resident of Belleville for all his adult life. Initially his law office was in East St. Louis, but later he moved his practice closer to home in Belleville. He began his public service as Master in Chancery of the city court of East St. Louis where he served in that capacity for six years. In 1924, he failed in his first attempt at election to the circuit court in St. Clair County, in which Belleville and East St. Louis are located. His disability may have been a factor in his defeat even though he insisted that he was “not running as a blind candidate, but as a Democrat on a Democratic ticket,” and that as far as he was concerned, his blindness “cuts no ice” in his activities even as his wife, Harriet, drove him around during the campaign.³ A few years later he did gain a seat on the St. Clair County bench and served as a county judge from 1930 to 1933. In the later year, he defeated Charles Miller for the First District seat on the Illinois Supreme Court. It was a bitter contest and Farthing was helped by Franklin Roosevelt’s Democratic landslide a year earlier.

He asked for no special consideration for his disability and set to work almost immediately, writing his first opinion in *People v. Scowley* in October 1933, just a few months after ascending to the Supreme Court.⁴ He was not a prodigious writer of opinions during the remainder of his single term of office. Much of the court’s time in the first half of that decade was consumed by writing seventy-one new rules for the state’s entire judicial system as a result of the passage of the Civil Practice Act of 1934. The sweeping new procedures were an attempt to satisfy current procedural needs that had not been addressed substantially since the enactment of the state’s 1870 constitution. Although the bench and bar of the state worked diligently to ameliorate a host of problems from jurisdictional vagaries to the flow of paper work, many of the

problems were left unsolved until a constitutional amendment almost thirty years later won the approval of voters.⁵

Farthing was particularly proud of his dissenting opinion in the 1939 case of *Swing et al. v. American Federation of Labor* involving the right to strike in which the court's majority upheld a ruling that it was permissible to deny to a union the ability to picket a workplace in which the pickets were not employed even if there was no threat of violence. When the case went before the United States Supreme Court, the Illinois Supreme Court was reversed in a majority opinion by Justice Felix Frankfurter using Paul Farthing's dissenting argument with Justices Hugo Black and William O. Douglas concurring.⁶

Remaining active in Democratic politics, he served as a delegate to the Democratic National Convention in 1936. In the elections of 1942, however, the Republican Party swept forty-seven of the state's fifty-four circuits and gained a five-to-two majority on the Supreme Court. Paul Farthing was among the unseated Democrats.⁷

After his reelection defeat after one term, he joined his brother Chester in their Belleville law practice in the firm of Farthing, Farthing and Feickert.⁸ In 1949, President Harry Truman had Farthing's name as one of six candidates for appointment to the United States Supreme Court. Truman eventually appointed his Attorney General Sherman Minton to fill the court position. His public service continued in two terms as a judge on the Court of Claims in Springfield from 1950 to 1954. He was appointed to his second term by Republican Governor William G. Stratton.⁹ In 1952, he and his brother donated to the DePaul University library their collection of imprints of the laws of Illinois going back to territorial times. It had taken them twenty-seven years to assemble a complete collection of 260 volumes valued in excess of \$17,000.¹⁰ In July 1958, when his brother Chester retired, Farthing continued practicing by

joining his son William in his law office in the middle of downtown Belleville. Paul Farthing retired from the practice of law altogether in 1966 at the age of seventy-nine.¹¹

Away from public office he was a local civic leader. He was a founder of Belleville's Optimist Club and held leadership positions in the Presbytery in his Presbyterian Church. He was seen frequently on the streets of Belleville taking morning walks and commuting around town on the buses.

More than ten years after his retirement, Farthing died on December 2, 1976, at the age of eighty-nine at St. Elizabeth's Hospital in Belleville. He was buried in Valhalla Cemetery in Belleville after his funeral at the First Presbyterian Church. He was survived by his ninety-year old wife Harriet and his daughter Sarah M. Kenegy of Redlands, Florida, and his son William Dudley Farthing of Belleville. He was preceded in death by his daughter Edna Grace McKinley of Belleville.¹² Farthing could reflect on his life with satisfaction as expressed in his statement many years earlier that "if you can find work you can do which will be of some value to the world, I believe you will be that much happier." His sentiment had nothing at all do with his blindness.¹³

¹ "Chief Justice Farthing," *Chicago Bar Record*, 18 (1936-1937): 188.

² *Chicago Tribune*, 12 December 1976, B15; *Twenty-eighth Annual report of the Trustees, Superintendent and Treasurer of the Illinois Institution for the Education of the Blind* (July 1, 1904), 3; *Twenty-seventh Report of the Board of Trustees of the University of Illinois* (Urbana, 1914), 14; Memorial to Justice Farthing, 78 Ill.2d xv-xxi (1980).

³ *Chicago Tribune*, 16 March 1924, 13.

⁴ *People v. Scowley*, 353 Ill. 330 (1933).

⁵ Albert E. Jenner and Walter V. Schaefer, "The New Rules of the Illinois Supreme Court under the Illinois Civil Practice Act," *University of Chicago Law Review*, 1 (1933-1934): 752.

⁶ *Swing et al. v. American Federation of Labor et al.*, 372 Ill. 91 (1939); *American Federation of Labor et al. v. Swing et al.*, 312 U.S. 321 (1941).

⁷ *Chicago Tribune*, 2 June 1942, 13.

⁸ *Chicago Bar Record*, 33 (1951-1952): 451.

⁹ *Chicago Tribune*, 17 July 1953, 11. He resigned before completing two full terms on the Court of Claims. According to the *Tribune* article, Stratton's office said that Farthing wanted to increase his state pension and, having done that, resigned.

¹⁰ *Chicago Tribune*, 18 May 1952; "Membership News," *Law Library Journal*, 48 (1955): 251.

¹¹ *Chicago Tribune*, 4 December 1976, B15; "Law Office Notes," *Illinois Bar Journal*, 46 (1957-1958): 924.

¹² 78 Ill.2d xvii (1980); *Chicago Tribune*, 4 December 1976, B15.

¹³ "Blind Illinois Judge to be Chief Justice," *St. Petersburg (FL) Times*, 30 April 1937, 16.