

Carroll C. Boggs 1897-1906

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Carroll Curtis Boggs was born on October 19, 1843 in Fairfield, Wayne County, Illinois. His parents were Dr. Richard L. Boggs and Sarah A. (Wright) Boggs. He spent much of his early life with his mother's parents Mr. and Mrs. David Wright in Fairfield. He received his early education at the Fairfield public schools, and he earned a bachelor's degree from McKendree College in Lebanon, Illinois.¹ He spent one year studying literature at the University of Michigan, but changed his studies to law in 1863. In 1864, he graduated from the University of Michigan with his degree in law.²



On February 25, 1866, Boggs was admitted to the Illinois bar. He first partnered with William H. Robinson in a law practice in Fairfield. Later, Colonel George W. Johns joined the practice. On October 31, 1870, he married Sarah A. Shaeffer of Fairfield. The couple had five children: Mary (Boggs) Elmore, Wreath, Edna, Richard L., and Joseph G. Boggs. Sarah (Shaeffer) Boggs died on July 6, 1914.³

Boggs had a successful political and legal career as a Democrat. He won his first election for State's Attorney of Wayne County and held that position for four years from 1873 to 1877. From 1878 to 1885, he held the office of county judge for Wayne County, and from 1885 to 1897, he was a judge in the Second Judicial Circuit. Boggs continued his judicial career to the

appellate court when he was elected as a member of the Appellate Court for the Third District from 1891 to 1897.⁴

In 1897, Boggs narrowly defeated incumbent David J. Baker for the Illinois Supreme Court. He served until 1906, and was the Chief Justice from 1900 to 1901.⁵ During Boggs's term as chief, the Illinois Supreme Court heard *Booth v. People* in 1900, and Boggs wrote the opinion. Alfred Booth had signed a contract that allowed him to buy corn for a fixed price for a period of ten days. Booth was arrested for gambling. The prosecution claimed that he had violated Section 130 of the Criminal Code "Option Contracts." The law was interpreted so that the buying or selling of grain under contract at a future time was considered gambling.⁶

The defense stated that under the 1870 Illinois Constitution the average citizen's right to contract was a right of both liberty and property. They argued that the Criminal Code was not specific with too many situations not included. There were many examples listed in the Criminal Code as gambling, but grain purchasing was not one of them. The section on gambling was under interpretation that should not include buying and selling of grains under contract.⁷ However, Boggs wrote that the Court affirmed the judgment and stated that Booth's contract was gambling or wagering on the market prices of grain.⁸

Another case heard before the Illinois Supreme Court in 1899 was the separate maintenance case of *Harding v. Harding*. Adelaide Harding did not divorce her husband, George F. Harding Sr., but left him due to her claims of cruelty and adultery. She took the two youngest daughters of their seven children to her live with her. He never admitted to the adultery claim. She sued her husband for "separate maintenance and suit money, the custody of Susan and Madeline [the two minor daughters], an allowance for their support, maintenance, and education, and for general relief."⁹

George F. Harding Sr. was a wealthy man and owned a large portion of property in Chicago. Mrs. Harding claimed he was worth between \$2 and \$3 million dollars, and when the entire family lived together it took an average \$15,000 per year to support the family's life style. She also claimed that he had given her no money during their separation. Mr. Harding denied that he was worth \$2 to \$3 million dollars, but he and his property was worth about \$1 million dollars. He also claimed that he and his family did not lead such a lavish life style that took \$15,000 a year to support. His argument for not providing his wife with support money during their separation was that she already had her own small fortune. She had acquired her fortune, according to Mr. Harding, from slowly stealing and hoarding money from him throughout their marriage. He also claimed that since she only wanted his money, he sought custody of the children.¹⁰

The lower court ordered Mr. Harding to pay \$100 dollars a month per daughter for child support and over \$26,000 for other fees and hardships, and they denied his claim of reductions to the alimony amounts.¹¹ The Illinois Supreme Court affirmed and remanded part of the decision. Boggs wrote that Mrs. Harding was to gain custody because the two daughters were "of tender age and require a mother's care." Also, the Court decided to reduce the alimony amounts to a total of \$3,600 annually to be paid in increments of \$300 per month. Boggs wrote that the decision was based in part on the Section 1 of the act in relation to married women. The act stated that "a married woman who is living separate and apart from her husband without her fault may have her remedy in equity for reasonable support and maintenance, to be determined with reference to the condition of the parties life at the place of residence of the husband amid the circumstances of the respective cases."¹² The court weighed the cruelty and adultery claims as major evidence in the decision to give Mrs. Harding custody of the children, and they also

weighed the worth of Mr. Harding and the previous life style to decide the amount of alimony Mrs. Harding was to receive.¹³

In 1906, Boggs ran for reelection to the Supreme Court but lost to Republican nominee Alonzo Vickers. Boggs returned to the practice of law in Fairfield but did not end his career in public service after his defeat. In 1907, he was nominated for the United States Senate spot by the Illinois House of Representatives. In 1908, he was a delegate to the Democratic National Convention. He was finally a delegate to the Fourth American Peace Congress in 1913.¹⁴ Boggs died in Fairfield, Illinois on December 16, 1923, and is buried in Maple Hill Cemetery in Fairfield. He was remembered fondly by the Illinois Supreme Court in a memorial service in 1924, stating that “He lived an exemplary life and by his death Illinois lost one of its noble sons.”¹⁵

¹ 315 Ill. 12 (1924)

² Walter A. Townsend, *Illinois Democracy: A History of the Party and Its Representative Members- Past and Present* vol. 2 (Springfield, Il: Democratic Historical Association, Inc., 1935), 22.

³ 315 Ill. 12 (1924).

⁴ Frederic B. Crossley, *Courts and Lawyers of Illinois* Vol. 3 (Chicago: The American Historical Society, 1916), 1224.

⁵ 315 Ill. 314 (1924).

⁶ 186 Ill. 44-46 (1900).

⁷ 186 Ill. 44-45 (1900).

⁸ 186 Ill. 51-53 (1900).

⁹ 180 Ill. 483-484 (1899).

¹⁰ 180 Ill 483 (1899).

¹¹ 180 Ill. 496 (1899).

¹² 180 Ill. 512-513 (1899).

¹³ 180 Ill. 499-524 (1899).

¹⁴ Frederic B. Crossley, *Courts and Lawyers of Illinois* Vol. 3 (Chicago: The American Historical Society, 1916), 1224.

¹⁵ 315 Ill. 14(1924).