

William M. Farmer 1906-1931

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William Maurice Farmer was born near Vandalia, Illinois in Fayette County on June 5, 1853, and raised on the family farm. He was the son of Kentucky-born William Farmer and Vandalia-born Margaret Wright Farmer. He lived in Vandalia for all of his seventy-eight years, but conducted a life of public service in which his influence affected statewide public policy. As one of the longest serving justices of the Supreme Court he earned the sobriquet “Nestor of the Bench.”¹



He attended local public schools, and in 1871 headed fifty miles west to McKendree College at Lebanon to study for three years. He returned home to teach school, but soon began studying law in the office of Henry & Foulke in Vandalia. In order to receive a more formal legal education he went to Chicago where he obtained a Bachelor of Laws degree from the Union College of Law, now Northwestern Law School, in June 1876, and immediately entered private practice. Between 1876 and 1897, when he assumed a circuit judgeship, he formed partnerships with Beverly Henry and George Chapin, and finally with John J. Brown, who was politically active and one-time candidate for governor.²

While he was enrolled in law school he married Illinois Virginia Henniger of Vandalia on December 23, 1875. Together they had five children, but only two of them outlived their father.³

His private practice soon gave way to public service when he was elected State's Attorney in 1880 for Fayette County. A half-century earlier, Vandalia was the capital of Illinois, and when state government moved to Springfield, the old capitol became the Fayette County courthouse. When Farmer was elected in 1888 to the House of Representatives, he had the unusual experience of moving his office from one capitol building into another. In 1890, he won election to the state senate.⁴

Farmer began his judicial career in 1897 with election to the circuit bench in Fayette County. Under the state's 1870 constitution, circuit judges served as appellate judges when appointed to do so by the Supreme Court. Farmer was appointed to serve in the appellate court's second district in 1906, but he served only briefly because he was elected to fill a vacancy on the Supreme Court later that year. Farmer was a life-long Democrat and Fayette County was staunchly Democratic as well. Even though the Supreme Court district extended well beyond the county line, Farmer had become so popular in the region that the Republican Party ran no one against him. There was opposition from a Socialist Party candidate, whom Farmer beat by a margin of thirteen to one.⁵ He was reelected in 1915 and again in 1924 on which occasion he again ran unopposed. The election of 1915, however, was much more troublesome for him.⁶

In his 1915 reelection bid, he ran a tight race against challenger William F. Bundy and Farmer's victory was less than certain. There were issues raised about some of his opinions and beliefs. There had been much in politics concerning prohibition in the decades leading up to the eighteenth amendment to the United States Constitution. The "drys" in Farmer's district did not like his position against prohibiting alcohol. Second, he had opined that a school teacher had no right to read a Bible in class when the school superintendent had forbidden it. The issue was one

of free speech and free practice of religion rather than separation of church and state. Third, Farmer had dissented in a case that would have extended a woman's right to vote.⁷

A suffrage bill enacted in Illinois gave women the right to vote for offices not established by the state constitution. In the 1914 case of *Scown v. Czarnecki*, the majority of the court found the law to be constitutional.⁸ Justice Farmer and Justice George Cooke dissented, with Farmer writing in his opinion that when the constitution prescribed voting qualifications, it prescribed qualifications for voters in all elections for all offices, not just those created by the constitution itself. According to Farmer, whether the legislature or the state constitution created an elected office, the qualifications of electors for that office were to be determined by the constitution. Those supporting the right of women to vote disagreed with Farmer's dissent, but Farmer's opinion said nothing about the desirability of woman suffrage. He said that constitution needed to be changed in order for women to vote.⁹

In 1922, Illinoisans voted to accept or reject a proposed new state constitution. The 1870 constitution was more than fifty years old with a patchwork of amendatory provisions to help the state function in the modern world. Although the justices of the Supreme Court had no more authority over adopting the proposed constitution than any other individual voter, their opinions on the measure were eagerly sought. Farmer was one of three justices opposed to ratification because, he concluded, the new provisions for property taxes on farmland were not equitable. He also opposed returning to a system of decentralized Supreme Court hearings around the state. That system had been in place in a somewhat different form from 1848 until 1897, and no one found it efficient. As a farmer and a jurist, he was keenly interested in the issues and found the proposed provisions unacceptable.¹⁰ The voters ultimately failed to ratify the measure, and Illinois would not get a new constitution until 1970.

The 1970 constitution would also undo a majority opinion written by Farmer in regard to constitutional amendments. In *People v. Stevenson*, a case to determine how many votes were necessary to pass an amendment, Farmer wrote that “amendments to the constitution shall receive a majority of all the vote cast for the general assembly.”¹¹ The decision had a far-reaching effect in making amendments to the constitution nearly impossible because of the state’s elector system that allowed up to three votes to be cast in each legislative district.¹²

Reelected in 1924 without opposition in a Republican landslide year, Farmer began his third and final term on the court. In 1926, he suffered from a relatively mild but partially paralyzing stroke that would eventually end his career. One year later, he celebrated thirty years on the bench, and at seventy-four years of age, he held the respected position of dean of the court.¹³

During his tenure on the Supreme Court, Farmer wrote 1,335 opinions for the majority and forty-one dissents. As cases arrived at the court they were distributed to the justices by rotation. Thus each justice was in charge of one in seven cases. In spite of his disability incurred by his stroke, Farmer never refused a case and never fell behind. He was soon unable to attend court but continued his work at home. His failing health raised concerns about compulsory retirement, but on June 5, 1931, his seventy-eighth birthday, he announced his resignation effective July 1, 1931, a full two years before his term expired.¹⁴ After twenty-five years on the Supreme Court, as the court’s grand old man, amid applause for his resolve in continuing his work on the bench, he returned home to Vandalia where just over one month later he died on August 8, 1931. Farmer was buried in South Hill Cemetery in Vandalia. He had served thirty-four years as a judge on the circuit, appellate, and Supreme Court benches. He served as Chief Justice four times.¹⁵

¹ *Chicago Daily Tribune*, 4 May 1931, 346 Ill. 11 (1932).

² 346 Ill. 12; *Vandalia Leader*, 3 September 1931, 1.

³ *Ibid.*

⁴ 346 Ill. 14.

⁵ *Chicago Daily Tribune*, 6 June 1906, 2.

⁶ 346 Ill. 13.

⁷ *Chicago Daily Tribune*, 15 May 1915, 6.

⁸ *Scown v. Czarnecki*, 264 Ill. 305 (1914).

⁹ *Chicago Daily Tribune*, 14 June 1914; *Chicago Daily News Almanac and Year Book, 1915* (Chicago: Chicago Daily News, 1915), 554.

¹⁰ *Chicago Daily Tribune*, 1 December 1922, 7.

¹¹ *People v. Stevenson*, 281 Ill. 1 (1917).

¹² *Ibid.*; Ralph M. Snyder, "Ten Significant Decisions of the Illinois Supreme Court," *John Marshall Law Quarterly*, v. 5 (1939-1940), 442.

¹³ *Chicago Daily Tribune*, 11 June 1927, 13.

¹⁴ *Chicago Daily Tribune*, 20 May 1931, 3.

¹⁵ 346 Ill. 11-26; *Illinois Bar Journal*, v. 20, (DATE?) p. 6; *Vandalia Leader*, 3 September 1931, 1.