

**Ralph L. Maxwell**  
1951-1956

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Ralph L. Maxwell was born in Nashville, Illinois, on April 9, 1905. He was the second son of Ira and Laura Reidelberger Maxwell. His mother died when he was two weeks old.

When he was thirteen his father, who was a coal miner, was killed in a rock fall. He and his brother Guy were subsequently raised by their widowed grandmother.<sup>1</sup>

He attended local schools, but when he entered high school it became necessary for him to get a job to relieve the household's economic stress. He surmounted the problem of completing high school by doubling his course load and earning a diploma in two years instead of the customary four, while allowing



him to earn money as a lineman for the regional Illinois Power Company. The demands of school and work left him little time for extracurricular activities, but he distinguished himself on the city's basketball and baseball teams.<sup>2</sup>

He graduated from the University of Illinois with a bachelor of arts degree in 1931 at age twenty-six. He received his law degree from the College of Law at the University of Illinois the following year, essentially repeating his method of doubling his courses as he had done for his high school education. He completed seven years of college and law school in five years. He

attended college and law school while married with a small child. He had married Beulah House of Nashville and together they had a daughter Madalyn.<sup>3</sup>

Immediately upon graduation and admission to the bar in 1932 he entered private practice in Nashville. Because of his skills and popularity he was elected State's Attorney for Washington County in 1936. He was reelected in 1940 and again in 1944. He barely entered his third term as State's Attorney when he resigned the position in 1945 to run successfully for election to the circuit court. He completed his full six-year term on the circuit bench then in March 1951, he was nominated unanimously by a Republican convention to stand for election to the Supreme Court in the judicial election of June 1951. He succeeded Charles H. Thompson, who chose not to run for reelection.

As a circuit court judge Maxwell was called upon to try cases from the state penitentiary at Menard in neighboring Randolph County. As a result he became an expert on penal law and other legal matters pertaining to convicts. He was therefore especially effective on the Supreme Court when a new post-conviction law swamped the courts with prisoners' claims of illegal detention. The law followed a decision by the United States Supreme Court in 1948 that overturned the Illinois practice of not allowing convicts to appeal their convictions. One of the results was a flood of hundreds of appeals by people in penitentiaries. Justice Maxwell "did more than his share of the work" in his careful reading and study of each petition.<sup>4</sup>

One of the more interesting opinions he wrote for the court involved ending the ancient and rarely used common law practice of "purgation by oath," which was a rule in which a defendant could swear by oath and that he was innocent of the crime of which he had been accused. If there were no proof of perjury, the case would be dismissed. In *People v. Gholson*, a Carroll County chiropractor had been accused of contempt of court for his alleged attempt to

intimidate and influence the jury and the court by instigating public demonstrations in his defense in a separate case.<sup>5</sup> Gholson used purgation by oath in seeking dismissal of the charge. As author of the majority opinion Maxwell wrote, first, that Gholson had misapplied the practice and, second, ended the practice in Illinois forever. The practice had its roots in English common law and had been in use at least since the nineteenth century, but by the 1950s it had been eliminated in federal courts and many state courts. Claiming that purgation by oath actually bars the court from fulfilling its purpose Maxwell said, it “will no longer be adhered to by this court and all previous decisions of this court upholding and applying [this anachronistic practice] are hereby expressly overruled.”<sup>6</sup>

Ralph Maxwell’s accomplishments in the face of adversities is impressive. An orphan from adolescence on, attending high school, college and law school under difficult, limited economic means tested his resolve and challenged his strength. In addition, in his ascent to the top of his profession, his seemingly unlimited energy allowed him to excel in sports as a young man. Later, and for his entire life, he fished and hunted whenever he could. Even as he organized camping trips with his friends he earned a reputation as an excellent cook who would prepare complete meals for the whole group.<sup>7</sup>

Early in 1956 he had not been feeling well. His family physician told him he had ulcers, but as he got worse his colleagues on the Supreme Court and friends became concerned. He was prevailed upon to seek out more expert advice in Chicago. After examination at Presbyterian Hospital in June he received a diagnosis of esophageal cancer. From there he went to the Mayo Clinic in Minnesota where the diagnosis was confirmed. Not one to give up, he traveled daily from his home in Nashville to Barnes Hospital in St. Louis for radiation therapy, then in its early days.<sup>8</sup> His last public appearance was in June. He died early in the morning of August 29, 1956

at age fifty-one. His funeral was held at the First Presbyterian Church in Nashville, followed by his burial at Greenwood cemetery.<sup>9</sup>

He was survived by his widow Beulah. Beulah's brother Byron House was appointed to the seat on the court left vacant. His daughter Madalyn followed him onto the practice of law. At the time of his death she was working in the state capital as an Assistant Attorney General.

It was not unusual for a justice to serve less than a full term on the Supreme Court, yet Ralph Maxwell's dramatic illness and death left those close to him stunned. His diagnosis came just three months before he was to have served his first term as Chief Justice. Although his commitment to the law and justice was intractable, his colleagues had heard him say that he would never remove the bandage from the eyes of justice, but that if it should slip, ever so little, he would wish it to show only the side of the weak and the oppressed.<sup>10</sup>

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<sup>1</sup> *Nashville Journal*, 30 August 1956, p. 1.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*; 11 Ill. 2d. 15.

<sup>4</sup> *Ibid.*, p. 15; *Chicago Tribune*, 17 January 1960, p. A13.

<sup>5</sup> *People v. Gholson et al.*, 412 Ill. 294 (1952).

<sup>6</sup> 412 Ill. 294, p. 303.

<sup>7</sup> 11 Ill. 2d. 17.

<sup>8</sup> *Ibid.*

<sup>9</sup> *Journal of the Illinois State Bar Association*, v. 4, no. 3 (November 1956), p. 3; *Nashville Journal*, 30 August 1956, p. 1.

<sup>10</sup> 11 Ill. 2d. 13.