

## MEMORIAL SERVICES

HELD IN THE SUPREME COURT OF ILLINOIS AT THE MARCH  
TERM, 1947, ON THE LIFE, CHARACTER AND PUBLIC  
SERVICES OF THE LATE MR. JUSTICE  
JUNE C. SMITH

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At the hour of two o'clock P.M., March 12, 1947, other business being suspended, the following proceedings were had:

Mr. CHIEF JUSTICE GUNN:

This hour has been set apart for the purpose of receiving a memorial for the late Mr. Justice June C. Smith. The memorial will be presented on behalf of the Illinois State Bar Association by its president, Mr. Kaywin Kennedy.

Mr. KAYWIN KENNEDY:

*May it please the court*—I desire to present the following memorial:

June C. Smith was born at Irvington, Washington County, Illinois, on March 24, 1876, son of Isaac C. and Alma (Maxey) Smith. He was educated in public schools, attended Southern Illinois Normal and Dixon College of Law, and received his LL.B. degree from Southern Normal University, Huntingdon, Tennessee, in 1899.

Admitted to the Illinois bar in 1904, he practiced law in partnership with Frank F. Noleman, Centralia, under the firm name of Noleman & Smith, until 1928. In 1935, with Hugh V. Murray, Jr., he established the law firm of Smith & Murray. William C. Stephens became an associate of the firm in 1938.

From 1904 to 1908, he served as State's Attorney for Marion county, and from 1909 to 1913 he was Assistant Attorney General of Illinois under William H. Stead. In 1941, he was elected to fill the unexpired term of the late Norman L. Jones, Carrollton,

as Justice of the Supreme Court of Illinois, representing the Second Supreme Judicial District. Judge Smith was re-elected for the full nine-year term beginning in 1942, and served as Chief Justice of the court for the year 1943-1944.

His participation in the work of the organized bar began with his election, in 1920, as President of the Second District Federation of Local Bar Associations. In 1921, he was elected to the Board of Governors of the Illinois State Bar Association, continuing in that office until 1929, when he became Third Vice-President of the Association. Serving thereafter as Second and First Vice-President, he held the office of President of the Illinois State Bar Association during the year 1932-1933.

During World War I, he was commissioned as a Major of Infantry, U. S. Army, serving on the staff of General Enoch H. Crowder, Provost Marshal General, as Provost Marshal of the State of Illinois in charge of administration of the selective service law in this State. He was a member of the Marion County, Illinois State and American Bar Associations, Masons, Elks, and Odd Fellows, and was trustee of the First Methodist Church, Centralia.

He married Miss Metta Bates, of Irvington, on September 30, 1900. Their two daughters, Ruth (Mrs. Robert J.) Dobler and Maurine (Mrs. Bethuel) Gross, both reside in Chicago.

Justice Smith died on February 7, 1947, following a brief illness which developed on his return from the January term of the Supreme Court of Illinois at Springfield. His widow, daughters, and two grandchildren survive.

This, if the court please, is a brief and unembellished statement of the principal events of the life of Justice Smith. For many years he has been an active member of the Illinois State Bar Association, and he served us as one of its most distinguished presidents, and continued in a valuable capacity on the Advisory Board of our association until the time of his death. He was highly respected as a lawyer and a judge, and had many friends. While we may feel that his contribution to this life is over, still that which he has left will ever remain with the bench and bar of Illinois, as a noble example for lawyers and judges to follow. His opinions rendered as a member of this court will forever be a monument to his memory.

Judge Smith's life was an eventful one. He was an intensely human individual, and he was a great personality. Our legal profession in Illinois has furnished many outstanding leaders in our profession, and in Justice Smith, as a lawyer, a public prosecutor, a judge, an advocate, and a soldier, as well as a citizen, participating in many of the activities beyond the profession, and in all particular, as a Christian gentleman, we have lost a grand personality, who has given much to the welfare of his fellowmen.

In behalf of the Illinois State Bar Association, I move that this Memorial be spread upon the records of this court.

Mr. CHIEF JUSTICE GUNN:

The court will now hear from Mr. R. J. Branson, of Centralia.

Mr. R. J. BRANSON:

*May it please the court*—On behalf of the Marion County Bar Association it is my privilege to participate in these memorial services, and to pay tribute to Justice June C. Smith. Although I have been selected by the Marion County Bar as its spokesman, I feel that I speak today for all of the lawyers of Illinois. They all were friends of Justice Smith, and all were honored by his membership in the profession.

It is impossible to disassociate Justice Smith from the law and the legal profession. From the date of his admission to the bar in 1904, it was his all-consuming interest. He used to laugh when people asked him what his hobby was, and his answer was always "practicing law." It was his work and play; his vocation and avocation. The story is told of Justice Charles Evans Hughes that he carried with him a copy of Euclid, and for relaxation worked out the solutions to geometrical theorems. Justice Smith found his relaxation in working out legal problems. If he had none of his own at the moment, he would find one that was troubling a fellow lawyer and see what he could find by way of a solution. His memory for cases was remarkable. In years of a wide and comprehensive practice he came in contact with all of the legal problems a lawyer is asked to face. This background proved of inestimable value to him when he was elevated to the

Supreme Court. It enabled him to do his work there with swiftness without sacrificing accuracy.

But the most endearing trait of Justice Smith was his modesty. Although projected into national prominence by his election to the Supreme Court in a traditionally Democratic district, he never thought of himself as outstanding. His friends among the lawyers, and in his home community, found him singularly untouched by the unusual prominence which had come to him. In Centralia, he spoke to practically every person he met on the street. His office was always open to all who came to see him. He attended every meeting of the lawyers in his district, and as many elsewhere as the press of his official duties would permit. His chief delight at such gatherings was to meet new lawyers, and make new friends.

Shortly after his election to the bench, Justice Smith, addressing the lawyers of the Second District at a meeting at Shelbyville, made a memorable address in which he reviewed the history of the six judges who had preceded him on the bench. In closing his remarks he said:

"It has been aptly said that to know the law requires more than education and common sense. It requires a knowledge of the world and men and a wisdom born of long experience. The wise and upright judge must know the arts and sciences, history, philosophy and religion—in fact, every branch of human knowledge, for law is coextensive with, and touches every phase of human experience. When cast in the form of litigation, judges are called upon to answer questions properly belonging to the domain of every field of science.

"That these rare qualifications were possessed by every one of the six members of the Court to which reference has been made, in a degree of abundance, is established in the opinions written by them, and widely preserved as permanent records of the court. It is my judgment that the records not only of this State, but of every State, will be searched in vain for a group of six judges rendering continuous, successive service, more capable, conscientious and picturesque, than these from our own Second District.

"To be the successor in office of these able men who played so important a part in molding our forms of justice, is both an honor and an inspiration. Obviously, to follow this galaxy of

eminent jurists and their luminous path, magnified in its brilliance, by their devoted and honorable service is no ordinary undertaking. Whatever measure of success with which I may meet the challenge, will be due to the inspirations generated by the standards, set by them, and other members of the court."

History has already recorded how well he met the challenge. He has written a memorable chapter in the annals of this court.

June C. Smith was a kind, affectionate and loving husband and father, a brilliant lawyer, an honest upright Christian gentleman and a good citizen.

What more could be said, or need be said, of any man?

**MR. CHIEF JUSTICE GUNN:**

The court will now hear from Mr. Charles E. Feirich, of Carbondale.

**MR. CHARLES E. FEIRICH:**

*May it please the court*—June C. Smith was a great lawyer. During the thirty-five years I knew him we met often in the courtroom. He combined in a rare degree the ability of a student in the law with the force of a great advocate. He was thorough, hard working, and had a sturdy independence of judgment. With unbounded energy he enjoyed his work and knew not what it meant to give up the fight. He had an unusually wide experience as a general practitioner. His work was carried on in many courts both in Illinois and adjoining States. During the time he practiced law there were published one hundred fifty-seven volumes of Illinois Reports. In that same period he appeared before this Court in one hundred thirty cases.

June C. Smith was a great judge. He wrote more than two hundred opinions while on this court and these constitute a permanent record. In one of these opinions he expressed his concept of the duties of a judge in these words:

"A defendant in a criminal case who waives a trial by jury and submits his rights and liberty to the trial judge is entitled to the same fair, patient, kindly and impartial consideration he would expect and be entitled to by a jury composed of fair, impartial, careful and considerate jurors. \* \* \* Delusive interests of

haste should not be permitted to obscure substantial requirements of orderly procedure." (379 Ill. 318.)

Throughout his life he manifested the qualities of character revealed in the foregoing quotation. Whether on the bench or off, he was always fair, patient, impartial, careful and kind.

He was especially interested in young lawyers. Many of them have expressed their deep appreciation of his help and advice in their problems. On several occasions during the war young men who had qualified could not be present at the regular admission ceremonies in this court. For these he made special arrangements in his office and the ceremony there was as impressive as he alone could make it. He never lost his interest in his brother lawyers and in their activities.

June C. Smith was a great and a good man. This is probably more important now than his outstanding achievements at the bar and on the bench. He was a friendly man. He had friends near and far, in every walk of life. He never appeared to be in a hurry, and was never too busy to visit with a friend. We all remember his sense of humor and his deep infectious chuckle. I shall never forget the kindly twinkle in his eye, and the warm and friendly pressure of his hand. It was always an inspiration to spend an hour with him.

His home life was ideal. He loved his wife and daughters and his grandchildren to the point of idolatry. His home was comfortable, homelike, and hospitable. He was devoted to his church, and he stood for the best in his community.

He went as he would have wished. He kept up his work to the end. No long period of inactivity preceded his death.

A good man has gone, leaving behind a heritage of kindly deeds and acts of love and charity, words of helpfulness and inspiration. None of us may say how far the beneficent influence of June C. Smith shall extend.

Mr. CHIEF JUSTICE GUNN:

Mr. Justice Stone will respond on behalf of the court.

Mr. JUSTICE STONE:

This court is deeply appreciative of the fine memorials presented on behalf of the members of the bar to the memory of Justice June C. Smith.

Through those memorial tributes we have been given, by members of the bar who knew him best, a picture of his life, his home and his personal characteristics. I wish to refer in these brief remarks, more particularly to him as a Justice of this court. That phase of him we were able to see and appreciate by close personal contact with him throughout the years of his service here.

Coming to this bench without previous judicial experience, he acquired, without delay, judicial approach and thought. He had in him the qualities that are pre-eminently judicial. His selection, therefore, for work of this character, was not only greatly to his liking but likewise greatly to the advantage of the administration of justice through judicial processes. It rarely occurs that one coming from an active practice to the work of the bench more quickly or more easily adjusts himself to the attitude of the mediator. Such always bespeaks judicial aptitude, and in Justice Smith this was true to a marked degree. This aptitude was the product of a fine judicial mind.

His service here was all too short. The first of the reported opinions presented by him was in the case of *Durkin v. Hey*, 376 Ill. 292, while the last will appear in volume 396, but twenty-one volumes of reports of the opinions of this court; but his opinions stand as a marked testimonial to his broad understanding of the law and his deep appreciation of true judicial concept. Of a genial, kindly personality, he worked well with other men. In the arguments of opinions in the conference room he showed an extensive knowledge of the law and a keen judicial mind. He was always courteous to his associates in argument. It was a pleasure to work with him.

Perhaps one of the outstanding features of Justice Smith's life on the bench, and in his practice, was his unswerving devotion to the ideals of constitutional government as exemplified by the courts, and particularly the one in which he later sat. Though a party man, and to a certain degree active as such during his life as a lawyer, he never permitted party interest to overcome his conviction as to what was for the best interest of the court, or affect his devotion to that interest. He was made of the stuff judges should be made of.

His one ambition was to administer justice. Meticulously painstaking in all his assignments, ever diligent that the work of

the court be an exemplification of the highest purpose of a court of justice, he at all times gave to that work the best that was within him. Always willing to assume more than his share of the work, he frequently offered to take upon himself burdens beyond his regular assignments.

There is not much that can be said of the life of a judge. That life has in it very little to claim popular attention or to call for public acclaim, however pleasing such may be to the ears of any man in public position. The product of his labors is to be found in the bound volumes that find their way only into lawyers' offices and law libraries. Yet there is an abiding and sustaining conviction throughout his years of service, that he is perhaps, after all, contributing somewhat to the fundamental purposes of his government. In many talks with Justice Smith I found this to be his conviction and his aim and purpose. It was because of that conviction and that aim that he gave up a practice far more lucrative to add his efforts to the maintainance of that high degree of efficiency demanded of American courts of justice. The depth of his devotion to the ideals of human government, as we recognize and know them in America, runs like a golden thread through all his labors on this court as well as those of prior years. Though his service here was all too brief, his personality, his devotion to the ideals of government, and his earnest willingness to be helpful, have constructed for him an abiding monument, and have contributed and will contribute to his memory. His ability as a judge and his appreciation of the purposes and relationships existing between the people and constitutional government, have cut for him a niche in Illinois judicial history and constitute a substantial contribution to the government of his State and to the welfare of mankind. We deeply regret his going.

#### Mr. CHIEF JUSTICE GUNN:

The memorial to the late Mr. Justice Smith, and the remarks relating thereto, will be spread upon the records of this court, and the Reporter of Decisions will publish them in the Reports and send copies thereof to the family of Justice Smith. As a further mark of respect to the memory of our deceased associate, this court will now stand adjourned until nine o'clock A.M., Monday, March 17, 1947.



**REPORTS**  
OF  
**Cases at Law and in Chancery**

ARGUED AND DETERMINED IN THE

**SUPREME COURT OF ILLINOIS.**

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**VOLUME 397**

CONTAINING CASES IN WHICH OPINIONS WERE FILED IN MARCH,  
MAY AND SEPTEMBER, 1947, AND CASES WHEREIN REHEARINGS  
WERE DENIED AT THE MAY AND SEPTEMBER, 1947, TERMS.  
ALSO TABLE OF CASES ON LEAVE TO APPEAL AND  
WORKMEN'S COMPENSATION DOCKETS FOR THE  
SEPTEMBER AND NOVEMBER, 1947, TERMS.

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**EDWIN HILL COOKE,**  
REPORTER OF DECISIONS,

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BLOOMINGTON, ILL.  
1948.