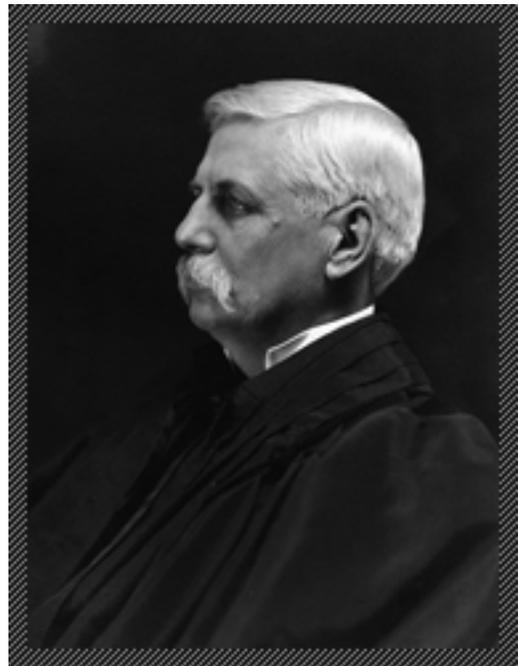


John P. Hand 1900-1913

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John P. Hand was born on November 10, 1850 on a farm in Hanna Township, Henry County, Illinois. Hanna Township was named after Hand's grandfather and one of the pioneer settlers of the Illinois territory. His parents were Henry and Mary (Hanna) Hand.¹ Hand received some of his education in the public school in Hanna Township, and from 1866 to 1868 he was a student at Rock River Seminary in Mt. Morris, Illinois. Hand married Elizabeth (Libbie) Brayton of Mt. Morris on October 26, 1871. She was born on February 12, 1849. They had one son, Frederick Henry Hand, who was born on April 28, 1874. Frederick Hand also went into the law.² In 1875, John Hand graduated from Iowa State University with his degree in law.³



Hand was admitted to the Illinois Bar in 1875. He was a partner in the Mock & Hand law firm with A.R. Mock from 1875 to 1885 in Cambridge, Illinois. From 1890 to 1895, he was a partner of the Hand, Milchrist & Smith law firm in Chicago. His final law firm, Hand & Hand, was formed in 1896 with his son. From 1885 to 1890, Hand served as a Henry County judge. In 1890, he became the Assistant United States District Attorney for the Northern District of Illinois.⁴

In 1900, Hand ran for the Fifth District seat on the Illinois Supreme Court. He defeated twenty-seven year incumbent Alfred Craig. Hand served on the Supreme Court for thirteen years, winning reelection in 1909 against Charles Craig, Alfred's son. After suffering a stroke in December 1912, Hand resigned from the Court early in 1913. He served as Chief Justice from 1903 to 1904 and from 1907 to 1908.

Hand was the Chief when he accepted the key to the new Illinois Supreme Court Building in February 1908. In his remarks at the dedicatory event, Chief Justice Hand noted the appropriateness that the Illinois Supreme Court "should be permanently located in a building which comports with the dignity and character of the court and the splendid history and commercial supremacy of the State." Hand also noted the importance of the court in a state with both a large agrarian economy and rapid industrialization, "I venture the statement that...the opinions of no other State court are cited oftener or stand higher as an exposition of the principles of law than do the opinions of the judges of the Supreme Court of Illinois."⁵

One year later, Hand spoke on behalf of the Court to commemorate the centennial of the birth of Illinois's most famous lawyer, Abraham Lincoln. He commented that the fact that Lincoln "was a great lawyer when elected president has been largely overlooked" as well as "the training and development which enabled him to meet and solve the great questions which confronted him during [the Civil War] had been acquired while he was practicing law in the courts of Illinois."⁶

In one of his first cases heard on the Supreme Court, *Elmstedt v. Nicholson et al.*, Justice Hand wrote the opinion to affirm a Cook County Superior Court judgment that cancelled a land transfer from John Elmstedt to his wife Loenna Elmstedt. On her husband's death bed, Loenna Elmstedt procured a transfer of four valuable Chicago lots to herself. The other heirs of John

Elmstedt's estate claimed that John Elmstedt had been mentally and physically weak, of unsound mind, and unable to comprehend the effect of his acts and was completely under the control of Loenna, his third wife. The Superior Court cancelled the transfer, and Loenna Elmstedt appealed the decision to the Illinois Supreme Court. In Hand's brief opinion, he stated in chancery cases, the master in chancery who took the evidence is best qualified to judge the weight of witness testimony, and the testimony fully sustains the decree.⁷

In 1909, the Woman's Ten Hour Law restricted the number of hours women could work in a single day to ten hours. This applied to only women working in mechanical establishments, factories, and laundry facilities. The Illinois Manufacturers Association challenged the 1909 law limiting the hours per work day a female could be employed. The Association had won an earlier case in 1895 in the Illinois Supreme Court that an eight-hour workday for women was unconstitutional due to the restrictions it placed on the right for employer and employee to negotiate a contract.⁸

In *Ritchie & Co. v. Wayman*, the W.C. Ritchie & Company, a manufacturer of paper boxes and paper box machinery, was accused of employing female employees for more than ten hours in a single day. The defense argued that the Woman's Ten Hour Law of 1909 violated the Illinois 1870 Constitution because it took away the right to contract for property and labor rights. The case *Ritchie & Co. v. Wayman* came before the Illinois Supreme Court in 1910. Among the counsel for Wayman was Louis Brandeis, who submitted a longer version of the Brandeis Brief he had prepared for *Muller v. Oregon*.⁹ The Brandeis Brief, prepared with the assistance of former Illinois activist Florence Kelley and Josephine Goldmark, was innovative in that it relied on sociological and empirical data rather than legal arguments.

Justice Hand delivered the opinion upholding the Woman's Ten Hour Law. He reviewed the female work week as well as the issues of manual labor and gender discrimination. Work environments in which machines dictated the pace of work, opposed to other manual labor jobs, created faster pace work days and a greater chance to over-exert the employees. "The physical structure and maternal functions of women, and their consequent inability to perform, without effect upon their health and the vigor of their offspring, work which men may do without over-exertion, justify the discrimination between men and women made by the Woman's Ten Hour Law of 1909."¹⁰

In December 1912, he suffered a stroke in his Illinois Supreme Court Building chambers. He had hoped that he would be able to return to the work of the court. He never fully recovered and resigned from the Supreme Court in July 1913 and also retired from law practice all together. He kept busy with several farming and business operations that he managed until his death. He spent a lot of time in California after his stroke to for his health, although he developed heart problems. John Hand died at Long Beach, California on May 22, 1923. He was buried at his family lot at Mr. Morris, Illinois on May 30, 1923. At his memorial service, the committee to commemorate his life noted that Justice Hand was generally a positive person, had strong convictions, and a fine judicial temperament.¹¹

¹ 310 Ill. 18 (1923).

² *The History of Henry County Illinois, Its Tax-Payers and Voters* (Chicago: H.F. Kett & Co., 1877), 292.

³ Frederic B. Crossley, *Courts and Lawyers of Illinois*, 3 Vols. (Chicago: The American Historical Society, 1916), 3: p. 1192.

⁴ 310 Ill. 19 (1923).

⁵ 232 Ill. 26 (1909).

⁶ 238 Ill. 12 (1909).

⁷ 186 Ill. 580 (1900).

⁸ 155 Ill. 102 (1895).

⁹ 208 U.S. 412 (1908).

¹⁰ 244 Ill. 509 (1910).

¹¹ 310 Ill. 20 (1923)