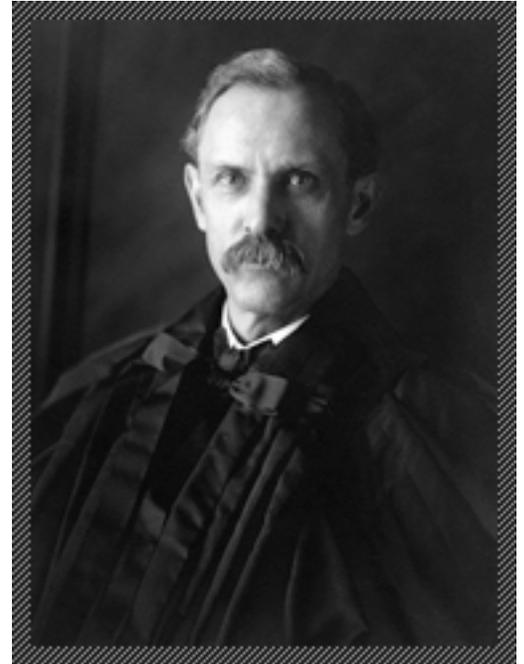


Orrin N. Carter
1906-1924

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Orrin Nelson Carter was born in Jefferson County, New York on January 22, 1854. His parents were Benajah Carter and Isabel (Cole) Carter. His father, a sailor on the Great Lakes, died in 1856 when Carter was two years old. His mother eventually remarried to James W. Francisco, and the family moved to DuPage County, Illinois in 1864.¹ He went to public schools in the county, and in 1877 he earned a Bachelor of Arts degree from Wheaton College in Wheaton, Illinois.² Carter worked his way through college as a janitor. The Doctor of Laws Degree was also conferred to him twice by Wheaton College in 1889 and by Northwestern University in 1925.³



Carter married Janet Steven in 1881. The couple had two children: a daughter named Ruth Carter and a son Allan J. Carter. Allan Carter followed in his father's footsteps and was also a lawyer.⁴ They settled their family in Evanston, Illinois. The Carter home became the place of many community meetings and gatherings. He hosted the meetings of the Evanston Political Equality League and the Evanston War Board meetings during World War II. On November 3, 1898 Carter presented a well received address about equal rights called "Loyalty" to the Ladies' Auxiliary of the Eighth Illinois Volunteer Infantry.⁵

After receiving his college degree, Carter taught school at Dover Academy in Bureau County, Illinois and then in Morris, Grundy County. He was the Superintendant of the Grundy County school system from 1881 to 1883.⁶ Despite teaching, Carter continued his personal

education. In his spare time he studied law, spending one year under the “tutorship” of Judge Murray F. Tuley and Gen. Israel N. Stiles. In 1880, he was admitted to the Illinois bar. Up until 1888 he practiced law with Judge Samuel C. Stough and Judge Russell C. Wing. In 1888, Carter moved with Wing to Chicago to practice law.⁷

Carter had a very successful legal career before he was elected to the Illinois Supreme Court. From 1883 to 1888 he served as State’s Attorney for Grundy County.⁸ From 1892 to 1894 Carter was the Chicago Sanitary District’s general attorney. During that time, the great drainage canal project started in Chicago. Also, in 1894, he was nominated to the Republican ticket and elected to the office of County Judge for Cook County. He was re-elected in 1898 and held that position until 1906.⁹ In 1900, Carter was also the unsuccessful Republican nominee for governor.¹⁰

In June 1906, Carter was elected to the Illinois Supreme Court for the 7th Judicial District which had the largest population of all the districts in Illinois. It was quoted that “The seventh district may well be designated, in the picturesque language of our Latin-American friends, ‘The Colossus of the North.’”¹¹ He served on the court for eighteen years. During that time, he wrote more than 1,000 opinions, which appear in nearly one hundred volumes of the *Illinois Reports*. Carter was so highly regarded among his colleagues that during a meeting on December 30, 1911, he was unanimously endorsed by the Chicago Bar Association for the appointment to fill a vacancy on the United States Supreme Court after the death of John Harlan. The Chicago Bar Association submitted their suggestion to President William Henry Taft on January 5, 1912.¹²

Carter was “liberal in his views as to the law, politics, and religion.” He was also a supporter of black rights, claimed to be one of the first of the Illinois Supreme Court Justices to declare openly for women’s suffrage, and Carter and “his family were interested in the outlawing

of the liquor traffic.” The Women’s Bar Association spoke at the Illinois Supreme Court Memorial after Carter’s death because “[Carter] and Mrs. Carter were ardent workers in all movements aiming to give equal rights to men and women.” Carter spoke at many banquets of the Women’s Bar Association, and the Hon. Mary M. Bartelme expressed that Carter’s “friendliness to our organization gave women lawyers of Illinois recognition in the profession which few groups of women lawyers in other states ever received.”¹³

One case in which Carter wrote the opinion was *People v. Pfanschmidt*. This case became known as the “blood-hound case.” In September 1912, four citizens of Adams County, Illinois were murdered on a farm just outside of Quincy. The victims were Charles and Matilda Pfanschmidt, their daughter Blanch, and a local school teacher Emma Kaempfen. A jury found Ray Pfanschmidt, the son who worked and temporarily lived in Quincy, guilty for the murders.¹⁴

The Illinois Supreme Court eventually heard the appeal. The defense claimed that the Adams County Circuit Court made many errors, including improperly submitted testimony, unfair trial circumstances, and improperly submitted blood hound evidence. The defense also claimed that it was impossible to create a jury for a fair trial. Several surveys of the citizens of Adams County found too many people felt that Pfanschmidt was overwhelmingly guilty, and the defense filed a motion to change the venue to another county, but the lower court denied the request.¹⁵ The Illinois Supreme Court reversed and remanded the lower court’s decision with specific directions. The venue of the new trial was to be moved to another county, and it was held that blood hound evidence was deemed not admissible as evidence for any reason.¹⁶

After World War I, Americans still feared radical political groups and government break down. Illinois enacted a statute in 1919 to prohibited any person from distributing printed material of any kind or speaking badly of or overthrowing the government, no person could

knowingly be a member of nor create societies to overthrow the government, and no flags, insignias, or banners could be displayed as a form of protest against the government. In 1922, the case *People v. Lloyd* came to the Illinois Supreme Court involving thirty-nine members of the Communist Labor Party. The grand jury in Cook County indicted them in March 1920 for conspiring against the government. After the trial, a jury found twenty of them guilty. Eighteen appealed their cases to the Illinois Supreme Court, and Bross Lloyd was one of them. Lloyd was recognized as a ring leader in the Communist Labor Party in the Chicago area.¹⁷

The defense claimed the statute of 1919 was unlawful because the “General Assembly of Illinois does not have the power and authority” to declare it unlawful for people to reform or overthrow any part of the government, and the only legislative body that had the authority and power to make it punishable was the United States Congress. The State’s argument in support of the statute of 1919 was that the people of Illinois had a duty to the state and the United States’ government to secure and protect the safety and rights of all American citizens, therefore states could “require its citizens to refrain” from acting out against the government.¹⁸

The Illinois Supreme Court affirmed the case. All of the defendants were sufficiently advised of the charges against them, and despite much of the publications and public speeches submitted as evidence occurred before the 1919 statute, it was all properly submitted and accepted in the case. It was also ruled that the statute of 1919 was valid, and the states had a right to prohibit their citizens from speaking out or conspiring to overthrow the government.¹⁹ Orrin Carter did not write the majority opinion for *People v. Lloyd*, however he felt so strongly about many issues of the case he submitted his own separate opinion. He wrote “the questions discussed in this case are so vital to our country’s welfare that I feel compelled to express my views at some length in a separate opinion.” He went on with strong language to say that “many

of the views shown in this record to be held by them are most unwise and foolish and in my judgment are largely the result of ignorance or immature thought and the public expression of them may do harm to the country.”²⁰ Carter felt the statute of 1919 was invalid and void because it was too vague and general and went against the American doctrine of freedom of speech. Carter urged that “legislative enactments or decisions of courts cannot prevent people from believing that laws should be changed.”²¹ He welcomed civil democratic involvement.

A second case concerning submission of evidence in which Carter wrote the opinion was *People v Jennings*. This case was known as the “finger print case.” The case “held for the first time by any court of last resort in this country that finger print evidence is admissible as a means of identification.”²² A jury found Thomas Jennings guilty for the murder of Clarence B. Hiller in Chicago. Jennings had attempted to rob the Hiller home, and upon entering the home he held a railing on the porch that was covered in wet paint, leaving his finger prints behind. The Chicago Police Identification Bureau and many other leading experts in the practice of finger printing testified at the trial for the identification process of finger prints. Carter wrote “there is a scientific basis for the system of finger print identification and that the courts are justified in admitting this class of evidence.”²³ The Illinois Supreme Court affirmed the death sentence of Jennings.²⁴

During his service on the Illinois Supreme Court, Carter held many other positions. From 1905 to 1906, he was the chairman of the Chicago Charter Convention. He was a member of the Illinois State Bar Association and the Chicago Bar Association, and from 1913 to 1916, he was the chairman of the judicial section of the American Bar Association. He was the President of the American Institute of Criminal Law and Criminology from 1912 to 1913. In 1922, Carter was the chairman of the Citizen’s Committee on the Constitutional Convention. It was thought that

this position led to the breakdown of Carter's physical health. He also wrote several publications including the *Ethics of the Legal Profession* in 1915.²⁵

After Carter retired from the court, he moved to Glendale, California where he lived the last three years of his life. Shortly after retiring from the Illinois Supreme Court, he suffered a paralytic stroke, and he never recovered. Orrin Carter died on August 15, 1928 in Glendale, California.²⁶ He was 74 years old. His wife, two children, and his sister survived him. The memorial by the Illinois Supreme Court described Carter's life as the "American Dream." His humble poor beginnings as a farm boy made way for ambition and hard work which lead Orrin Carte to a distinguished position of the Illinois Supreme Court.²⁷

¹ Frederick B. Crossley, "Editorial Notes: Orrin Nelson Carter 1854-1928," *Illinois Law Review* 23 (1928), 371-372.

² 333 Ill. 13-14 (1929).

³ 333 Ill. 15.

⁴ *Chicago Daily Tribune*. 17 August 1928, 1.

⁵ 333 Ill. 23.

⁶ Crossley, "Orrin Nelson Carter," 372.

⁷ 333 Ill. 14.

⁸ *Chicago Daily Tribune*, 1.

⁹ 333 Ill. 15.

¹⁰ *Chicago Daily Tribune*, 1.

¹¹ 333 Ill. 19.

¹² 333 Ill. 24.

¹³ 333 Ill. 21-23.

¹⁴ *People v. Pfanschmidt*, 262 Ill. 411 (1914).

¹⁵ Motion for New Trial and Grounds in Support of Same, 6 May 1918, case file 2055, Adams County Circuit Clerk's Office, Quincy, Illinois.

¹⁶ 262 Ill. 411.

¹⁷ *People v. Lloyd et al.*, 304 Ill. 23 (1922).

¹⁸ 304 Ill. 23.

¹⁹ 304 Ill. 23.

²⁰ 304 Ill. 23.

²¹ 304 Ill. 23.

²² Crossley, "Orrin Nelson Carter," 373.

²³ *People v. Jennings*, 252 Ill. 534 (1911).

²⁴ 252 Ill. 534.

²⁵ 333 Ill. 461-462.

²⁶ Crossley, "Orrin Nelson Carter," 371.

²⁷ 333 Ill. 15.