



JUSTICE PAUL D. FARTHING
FIFTH (FORMERLY FIRST) DISTRICT

MEMORIAL SERVICES

HELD IN THE SUPREME COURT OF ILLINOIS AT THE
NOVEMBER TERM, 1978, ON THE LIFE AND
PUBLIC SERVICE OF THE LATE
JUSTICE PAUL D. FARTHING

At the hour of 2 p.m., November 21, 1978, other business being suspended, the following proceedings were had:

MR. CHIEF JUSTICE WARD:

The court has convened today for the purpose of conducting a proceeding to commemorate the life and the distinguished career of a former justice of this court, the late Paul Farthing. Present today in the courtroom, among others, is Mr. Stanford Meyer, a former president of the Illinois State Bar Association who is here to speak in behalf of the Association, of which the late Mr. Justice Farthing was, of course, a member. Mr. Stanford Meyer.

MR. STANFORD MEYER:

May it please the court. As representative of the Illinois State Bar Association, I move that these proceedings be spread upon the records of this court for posterity. May it please the court, it is a distinct honor for the Illinois State Bar Association, and for me personally, to participate in this memorial to Mr. Justice Farthing.

I started practicing law in St. Clair County when Judge Farthing was a county judge, so I had a long acquaintance with him. His experience and knowledge were great, which was important to him and to the lawyers generally. He was an independent man, under no obligation to any person, firm, or corporation. His integrity was above reproach. His decisions showed great common sense, and he had all

the attributes of a good judge. A careful reading of his opinions would be an education for all lawyers. He served the judiciary well, as he also served his clients well when he was a practicing attorney. When it was first decided to revise the judicial article in this State, he spent three hours with me talking about the article, very interested in it. In spite of his blindness, he had a strong will and great imagination and worked hard for new and different techniques and theories of law. All of this is just a thumbnail sketch of his performance and ability. His death saddens us all as lawyers. He will be greatly missed. Thank you.

MR. CHIEF JUSTICE WARD:

Mr. Meyer, we thank you very much for that articulate and succinct expression concerning Justice Farthing. Your motion that these proceedings be spread upon the records of this court is allowed. We are very fortunate to have you present as a former practitioner before Justice Farthing, and we are appreciative of the Illinois State Bar Association's expression on this occasion.

Also present with us today is a retired judge from East St. Louis, the Honorable Joseph A. Troy, who is present to express sentiments concerning Justice Farthing. The court recognizes Judge Joseph Troy.

JUDGE JOSEPH A. TROY:

May it please this honorable court, the St. Clair County Bar Association has deeply honored me in committing to me the privilege of participating in this memorial exercise this afternoon to honor the memory of Judge Paul Dudley Farthing.

Judge Farthing was born at Alton, Illinois, on April 12, 1887, and departed this life on December 2, 1976. He graduated from high school in 1904 and received a degree from McHenry College of Lebanon, Illinois, in the year 1909. In 1913 he received a degree from the University of Illinois and that year commenced the practice of law in the city of East St. Louis, in partnership with his younger brother, Chester, who belonged to the same law class at the University of Illinois and who performed the monumental task, with

brotherly love unsurpassed, of reading the prescribed law books to him in order to enable him to pass the bar examination. He served as master in chancery of the city court of East St. Louis for six years and was elected judge of the county court later. The year 1933 saw him elected as judge of the Supreme Court of Illinois, where he served nine years and was raised by his fellow judges to the chief judgeship for a period of time. He then served for two years in the Illinois Court of Claims. He was president of the East St. Louis Bar Association; a member of the Illinois State Bar, Phi Delta Phi, and Order of the Coif; president of the Optimist Club for three different terms; and a devout member of the Presbyterian Church. At the time of his death, he left surviving him his widow, Harriet Helen Farthing, now 94 years of age, whom he affectionately referred to as his first and only wife. Besides his wife, he was blessed with three children, Mrs. Edna Grace McKinley of Belleville, now deceased, Mrs. Sarah M. Kenegy of Redlands, Florida, and one son, William D. Farthing, a member of the St. Clair County Bar Association, and several grandchildren.

Having been accidentally blinded at the age of 11 years, he overcame what would seem an insurmountable handicap to most of mankind. It is marvelous to relate that, beyond all belief, he was elected as one of the judges of this court and chosen as the chief justice for a period of time. It was my privilege to have known Paul Farthing for more than half a century, and I am convinced that he acknowledged his blindness was from the hand of God and that he would spend all his years not as a blind effigy of the statue of justice but in the flesh and blood of a human being touched by the hand of God in his inscrutable wisdom.

The lines of a certain poem were no doubt engraved on his mind,

Lead kindly light amid the encircling gloom, lead thou
me on!

The night is dark and I am far from home! Lead Thou me
on.

Keep Thou my feet;

I do not ask to see the distant scene—one step enough for
me.

Hidden from him was the nightly scene powdered with brilliant stars without number, the morning scene with its splendor of the eastern sky strewn as a canopy of fancied roses which he could never see, but he kept the even tenor of his way, and, to paraphrase, "Not a doleful word he uttered, but in silence kissed the rod, saving what he told his conscience and what he told his God."

We are mindfull that a good name is "the priceless jewel of the soul and that the evils men do live after them and the good is oft interred with their bones." For me to presume to add to the luster of Judge Farthing's name on this occasion would appear to be a work of supererogation or an attempt, in the words of the Bard, "to gild refined gold, to paint the lily, to throw a perfume on the violet, to smooth the ice, or add another hue unto the rainbow, or with taper-light to seek the beauteous eye of heaven to garnish." It is said that a man's real possession is his memory—that in nothing else is he rich and in nothing else is he poor.

Judge Farthing had a prodigious and inexhaustable memory. His blindness seemed to introduce a note of optimism and gratitude into the rhythm of his life. His remembrance of names, voices, appointments, places, dates, and citations of law cases flashed from his uncanny memory as from the keyboard of some mystical instrument. His memory was his eyes. He found tongues in trees, the fleeting days of life in the murmuring brook, and listening to the warbling of birds of spring he found the sweet assurance of a future existence.

He had an intense faith in right and truth, and was undazzled by the desire of wealth.

The decisions he made in this very court were well reasoned, doing what justice, reason, and humanity told him to do. I am sure that arriving at these decisions in the chambers of this honorable court and sometimes during the heated discussion of a case between the judges, pro and con, certain contentions caused the bells of harmony to jangle out of tune, but if any member felt the words of Judge Farthing were harsh, he could be assured that poniard he used was pointed with a rosebud.

He was a devoted husband, kind father, and a friend of

humanity.

"His life was gentle and the elements so mix'd in him that nature might stand up and say to all the world, 'This was a man.'"

I would be remiss on this occasion if I neglected to pay tribute to his widow. Words fail me in an endeavor to catalogue her loyalty, devotion and love for her husband during his blinded pilgrimage on earth. Arm in arm they trod the flinty path of their early years, not always a primrose path, and together enjoyed the happiness and blessings of their later years. She was his guardian angel. May God bless her. With the blind poet Milton, Paul Farthing could say: "What in me is dark, illumine. What is low, raise and support, that I may assert eternal providence and justify the way of God to men."

As we are gathered here today as members of the bar, as members of our Supreme Court, we should not lament that we have lost this paradigm of justice, Paul D. Farthing, but rather we should be grateful that he was one of us. And in answering the gavel of the Supreme and Eternal Judge, Divine Providence, he has filed his final brief before that awesome court emblazed thereon in letters of gold:

"I have loved my God with all my heart and all my strength, and my neighbor as myself. My country in truth, rendering to Caesar the things that were Caesar's and to God the things that are God's."

That court pronounced, in entering its final order, the selfsame words we find in Genesis at creation's dawn. "Let there be light," and the mystic curtain is silently drawn upon this upright pilgrim, Paul Dudley Farthing. Thank you.

MR. CHIEF JUSTICE WARD:

Judge Troy, we of the court thank you for your highly literate, your moving, and very warm testimonial eulogizing Justice Paul Farthing. The St. Clair County Bar Association certainly honored the court by asking you to appear today as its representative to eulogize Justice Farthing. Justice Joseph H. Goldenhersh will respond to the memorial remarks of Mr. Meyer and Judge Troy on behalf of the court. Justice Goldenhersh.

MR. JUSTICE GOLDENHERSH:

Mr. Chief Justice. The court is sincerely grateful to Judge Troy, Mr. Meyer and the other members of the bar who have participated in these proceedings to honor the memory of Mr. Justice Paul Farthing. Judge Troy has related many of the personal highlights of Judge Farthing's long and active life and I shall not repeat them other than a few personal reminiscences. I shall, rather, direct my comments toward a brief review of the judge's accomplishments as a lawyer and as a judge.

In the years during which I was growing up in East St. Louis, Judge Farthing was a civic leader of prominence and active in a number of community activities. In addition to those activities the judge was a life-long member of the Presbyterian Church and over the years occupied a number of important positions in the Presbytery. I met him for the first time when he was county judge of St. Clair County and a candidate for election to this court. After I was admitted to the bar, I had occasion, in the company of his then law clerk, to talk with him at fairly frequent intervals and, during that period, formed a friendship which continued until his death.

Throughout his tenure on this court and during his years of practice thereafter, Judge Farthing was an active member and regularly attended the meetings of the East St. Louis Bar Association. Personally, I never ceased to be amazed at the number of individuals whom he could call by name purely on the basis of voice recognition after hearing no more than "Hello Judge." Although blinded since boyhood, as we were told by Judge Troy, the judge was completely self-reliant and regularly rode the bus from his home in the west part of Belleville to his office near the public square. Until shortly before his death, one of the regular sights on Main Street in Belleville was that of Judge Farthing taking his morning walk.

Justice Farthing was elected to this court on June 5, 1933, to succeed Justice Warren W. Duncan. His first opinion was filed on October 21, 1933, in the case of *People v. Scowley* and is reported at 353 Ill. 330. An examination of the Illinois Reports between volumes 353 and 380 demonstrates that Judge Farthing was a

prolific and able author of legal opinions. In 1939, the judge dissented in the case of *Swing v. American Federation of Labor*, reported at 372 Ill. 91. The Supreme Court of the United States granted *certiorari* and reversed at 312 U.S. 321, and the judge, with justifiable pride, frequently spoke of the fact that the Supreme Court had followed the rationale of his dissent in reaching its decision. In his years of service on this court, Justice Farthing was reputed to be a hard worker, and the records show that his opinions were timely filed. He served as chief justice of the court from June of 1937 until June of 1938. It is indeed appropriate, Mr. Chief Justice, that we memorialize in this proceeding his contribution to the State of Illinois and to his profession.

MR. CHIEF JUSTICE WARD:

Thank you very much Justice Goldenhersh. The proceedings of today will be distributed to the members of the family of Justice Farthing. It is always with a solemn feeling that we of the court conduct these memorial proceedings, and they make one quite reflective. We reflect on the distinction and the great service rendered by earlier justices of this court, and recitals of the accomplishments of those we memorialize really do provide inspiration for the members of the court to perform service as worthy of recognition as the service given by our predecessors. Again the court thanks Mr. Meyer and Judge Troy and all who are present here for their participation in these proceedings, which honor the memory of a man who served the profession he loved so well.

Mr. Marshal, the Supreme Court stands adjourned until 9:30 tomorrow morning.

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