

IN MEMORIAM.

JAMES B. RICKS.

PROCEEDINGS IN THE SUPREME COURT OF ILLINOIS AT THE
OCTOBER TERM, 1906, OF THAT COURT.

The Hon. JAMES B. RICKS, late one of the justices of this court, died at his home in Taylorville, Illinois, on July 23, 1906. At the October term of this court, 1906, the following memorial proceedings were had:

Mr. CHIEF JUSTICE SCOTT: The time set apart for proceedings commemorative of the life and public services of the Hon. JAMES B. RICKS, late a member of this court, has arrived. The bar is represented on this occasion by Mr. William M. Provine, of Taylorville. We will hear him now.

Mr. Provine, offering the memorial hereinafter set out, spoke as follows:

May it please the Court—At a meeting of the bar of Christian county held shortly after the death of Judge JAMES B. RICKS, the following brief memorial of his life and services was adopted and a committee appointed to present the same to this court, with request that it be, by order of the court, spread upon its records. On behalf of the committee and with the permission of the court I will read the memorial:

“Judge JAMES B. RICKS died at his home in Taylorville on the morning of July 23, 1906, in the fifty-fourth year of his age. He was born and reared in Christian county, Illinois, was educated in

the common schools of his county and the Wesleyan University at Bloomington, Illinois. He pursued the study of law in the office of Judge Andrew Simpson, at Taylorville, and was admitted to the bar in June, 1874. Shortly after his admission he accepted the position of Superintendent of Pension Examiners at Washington, D. C., which he creditably filled for a period of three years, then resigned this position and resumed his practice as an attorney at Taylorville. He was connected with many of the most important cases that occurred in the courts of his county and in central Illinois, in which he acquitted himself well and to the satisfaction of his clients.

"Judge RICKS was a diligent student, studied and prepared his cases carefully, tried them well and was successful in his practice. He loved the law, studied it with zeal, and was, in fact, a painstaking lawyer, and prided himself in presenting to the court all of the legal questions that arose in the trial of his cases, and supported his position by all the authorities that a thorough search would reveal. He was uniformly courteous to the court and the members of the bar, and faithfully and honorably endeavored to secure justice and right in the trial of the cases in which he was engaged.

"Judge RICKS was elected May 21, 1901, a member of the Supreme Court of the State of Illinois to fill the vacancy occasioned by the death of Judge Phillips. As a member of the Supreme Court he was held in high esteem by his associates for his legal ability and industry and for the firmness of his convictions and his integrity of purpose. He soon attained the reputation of an able and conscientious jurist, wrote many excellent opinions, and probably would have been re-elected but for the fact that he was seized with a fatal malady that precluded him from again offering his services. In politics he was a life-long democrat, and contributed much of his time and means for the benefit of his party. He was liberal in his views, tolerant of opposition, and by his unflinching courtesy and kindness gained and held many friends. He was an excellent lawyer, a pure judge, a good citizen, a kind husband, an indulgent father and a faithful friend. He was well beloved by his brethren of the bar, who regret his loss and sympathize with his family and friends in this their sad bereavement."

After reading the memorial Mr. Provine further addressed the court, as follows:

May it please the Court—Mr. James C. McBride, who is also a member of the committee to present this memorial, expected to be present on this occasion and participate in the exercises, but a business engagement outside the State, made before the court set the day for this service, prevents his attendance here.

In the memorial services held in the court room in Taylorville much of an affectionate and appreciative character was said of the late Justice RICKS by the judge of the court and members of the bar, all of whom had long known and esteemed him as a lawyer and as a man. He was a native of Christian county, and that was his home during life. There, also, his father and grandfather had lived and died. There clustered all his boyhood associations. There he achieved success as a lawyer, and there he was placed in positions of trust and responsibility by reason of the confidence of his neighbors and friends in his ability and integrity. In return he was devotedly attached to his home and to his home people. This was one of his strong characteristics, and often found most pathetic expression in his last illness.

Judge RICKS did not achieve success and reputation at the bar by a few brilliant efforts, but by careful and diligent labor. He thoroughly examined both the facts in and the law applicable to his cases and habitually came to the trial well prepared in both. He loved his law office and was industrious there. He delighted in the investigation of legal questions. In the trial of cases he was fair and honorable. He never knowingly attempted to mislead the court or to win success by dishonest or unfair means. He was always respectful and courteous to the witnesses, the opposing counsel and the judge on the bench. He rarely, if ever, permitted the heat of controversy to betray him into intemperate speech or conduct. In fact, our deceased brother was always and everywhere a genial, affable and courteous gentleman. His very presence in the court room seemed to soften asperities and promote in the lawyers kindly feeling and consideration for each other. In conducting his suits, while faithful to his client's interests, he was accommodating and generous to his adversary in the little conventions and concessions often sought but sometimes unnecessarily refused or grudgingly given.

Judge RICKS, when elected to fill the vacancy in this court occasioned by the death of Judge Phillips, was without experience on

the bench, but he brought to the performance of his new duties a long and varied experience as a lawyer and legal abilities of a high order. His mind was vigorous, logical and analytical. He had the power of distinguishing and applying legal principles in their refinements to the varied and complicated questions arising in modern business life. He had a strong sense of justice and the moral courage to accept and maintain the conclusions to which his investigations led him, yet he was tolerant of opposition and gave honest and courteous consideration to the opinions of others. He appreciated the honor and responsibility of his position as a member of this court, and was ambitious to maintain in his own judicial labors the high degree of excellence for which this body has always been, and is, distinguished. He loved the approbation of his fellow-men and endeavored to merit it. He was most companionable, and invited friendship. He loved the society of his friends, and they were ever welcome in his hospitable home.

The future appeared to have much of honor and happiness in store for Judge RICKS and much useful service was yet to be expected from him, but it was not so to be. When in the high noon of his years, in the fullness of his powers, in the enjoyment of life's highest honors and privileges, having home, family and friends, he was called upon to surrender all and to pass through many months of suffering with no hope of recovery. During this trying ordeal he did not rebel nor repine, nor cease to manifest his wonted cheerfulness and kindly consideration for others. So closed here a life of usefulness and honor and one of rare social qualities. Those who knew him best mourn the loss of a true friend and genial companion.

"There is no death! What seems so is transition.
This life of mortal breath
Is but a suburb of the life elysian,
Whose portal we call death."

Mr. CHIEF JUSTICE SCOTT responded for the court, as follows:

The memorial which has been presented and the remarks which have been made meet with the hearty concurrence of all the members of this court.

JAMES B. RICKS was of the highest class of American manhood. He was a typical son of Illinois. Dependent from youth entirely

upon those resources with which bountiful nature had blessed him, he made for himself, in the affairs of his time and in the history of his State, an honored name and an honored place which can never be forgotten so long as the records of this court endure. It was my fortune to enjoy his friendship for ten years of his life and to serve for three years with him upon the bench of this court. He was a staunch friend, an ideal husband and father, a citizen of the highest character, broad and generous in his sympathies, and he was a just and upright judge.

He became a member of this court on May 25, 1901, and his term of service here expired on June 18 last. His first opinion appears in volume 191 of our Reports and his last in volume 221. He came to this court without any previous judicial experience, but he quickly grew into the place to which he had been chosen. Not only was he of sterling integrity, but he was gifted with an intellectual honesty, most important in the performance of his duties here. This made it impossible for him to reach or state any conclusion except that which, in accordance with the law as he understood it, he deduced from the facts. His judgment was never swayed, either consciously or unconsciously, while he was in this court, by friendship, by public censure or public praise, nor by the wealth and power or the poverty and misfortunes of suitors. He realized that courts of appellate jurisdiction should rigidly enforce the law as it is written, without evasion or deviation; that such courts must adapt the law to new and changing conditions as they arise, but never alter or modify it for the purpose of enforcing, in any particular case, that which may seem to the members of the court to be natural right. He held that the justice which the courts must administer is that, and that only, which results from the enforcement of the law; that to pursue any other course for the purpose of relieving litigants from results which sometimes seem unjust is to enter upon a course which would unsettle the rules which must guide the conduct of men and make of the law, which should be a certain and unfailing beacon, a sport and plaything, dependent not upon the written word, but upon the sentiments and instincts of men vested with judicial office.

His industry was great. His examination of a record was careful and thorough. His knowledge of the facts in a given case was invariably comprehensive and accurate. He was affable and cour-

teous in his relations with the other members of the court, yet when convinced that any proposition which he advanced was correct, he was firm and unyielding. He stood up boldly for that which he believed to be right, but he had no false pride of opinion which prevented his giving way when an error in his reasoning or conclusion was pointed out. His constant desire was to better and facilitate the work of the court. He was here, engaged in the performance of his duties many times and many terms, day after day, when a man of ordinary will power would have yielded in despair to the weakness which attended the disease which afflicted the last few years of his life.

We feel our bereavement more keenly for the reason that our brother did not live out the allotted span of human existence, but died at a time when, in the ordinary course of nature, he should have had many useful years before him. When he came into this court he found here Justices Magruder, Wilkin, Carter, Cartwright, Boggs and Hand. He was the junior in service, and, I think, in years, yet he has first succumbed to that grim power "which lays side by side the crook of the shepherd and the sceptre of the king." As we consider his untimely demise we realize that he has preceded us but a little, out of labor into rest, out of the storm into the calm, out of the shadow into the light, out of pain into eternal peace.

Mr. Justice Farmer succeeds Judge RICKS in this court. They resided in the same circuit, and when Judge RICKS was at the bar he practiced for several years before Judge Farmer, who was then one of the judges of that circuit.

Mr. Justice Farmer will speak further on behalf of this court.

Mr. JUSTICE FARMER, on behalf of the court, said:

I can add little to what has been said in respect to the memory of Judge RICKS, but inasmuch as I had a long personal acquaintance with him and come to this court from the same district he came from, I cannot let this occasion pass without adding my tribute to his abilities as a lawyer and his worth as a man.

When I first became acquainted with Judge RICKS we were both engaged in practicing law in the same circuit. Afterwards I became one of the judges of the circuit court of the circuit in which we both resided, and in that capacity had opportunities for a better knowledge of him, both as lawyer and man. As a lawyer he was

painstaking and industrious, and came to the trial of his cases prepared and equipped to ably and conscientiously discharge his duty to his clients and to the court. He was faithful and loyal to his clients, and enjoyed winning victories for them in their causes. He was careful and alert in the presentation and trial of his cases, quick to grasp the important questions involved, but never forgot that he was an officer of the court, whose duty it was to see that justice was administered according to the due forms of law. He never descended to the arts and practices of the pettifogger, and while he was "a foeman worthy of any man's steel," he was broad-minded, courteous and respectful to the court and to opposite counsel.

As a man Judge RICKS had a most attractive personality. He was buoyant with good nature and decidedly optimistic in temperament. To him life was worth living. He derived much pleasure from it himself, and his radiant nature had a most cheerful influence on those with whom he associated. He was a loving and devoted husband, a tender and affectionate father. Toward the close of his last illness I visited him a number of times, and while he realized his malady was incurable and that the inevitable end was not far off, he was brave and patient. Much as he loved life and glad as he would have been to have had it prolonged and his years of usefulness and activity extended, he did not become gloomy and despondent nor complain at his fate, but continued brave and cheerful to the end.

If Judge RICKS had faults,—and who of us have not?—his many noble qualities greatly overbalanced them. Let us, therefore, who survive him, forget his faults and imitate his virtues.

MR. CHIEF JUSTICE SCOTT: The proceedings of the hour will be spread at large upon our records. As a further evidence of the affection and esteem in which we held our departed associate we will now adjourn.

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ISAAC NEWTON PHILLIPS,
REPORTER OF DECISIONS.

BLOOMINGTON, ILL.
1907.