

## MEMORIAL SERVICES

HELD IN THE SUPREME COURT OF ILLINOIS AT THE JANUARY TERM, 1945, ON THE LIFE, CHARACTER AND PUBLIC SERVICES OF THE LATE MR. JUSTICE CHARLES CURTIS CRAIG

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At the hour of two o'clock P.M. January 10, 1945, other business being suspended, the following proceedings were had:

Mr. CHIEF JUSTICE FULTON:

We have met here this afternoon in co-operation with the State Bar Association and the Knox County Bar Association for the purpose of presenting a memorial to a former member of this court, Justice Charles Curtis Craig. Mr. Henry C. Warner, President of the State Bar Association, will present the memorial at this time.

Mr. HENRY C. WARNER:

*May it please the court*—Ancient history relates that once each year the early Romans gathered to pay tribute to their honored dead. The Greeks gathered annually and deposited flowers at the graves of their departed, and so down through the years has come the custom of eulogizing those who "drank their cup a round or two before" and then silently passed on to their eternal rest.

Memorials are loving tributes of the living to the virtues of those who are with us no more. They bring to our vision vistas of immortal life. They give sacred dignity to the character of the dead. "Memory is the only friend that grief can call its own." With these sentiments in mind, we gather on occasions such as this. It is a custom which tradition has sanctified and endeared to all of us. It speaks in voiceless entreaty for remembrance and forgetfulness, for remembrance of the good, for forgetfulness of the evil that men have done.

There is nothing more important to mankind than the fact that the names of good men should not perish from the earth. "Virtue," said Plutarch in his *Life of Pericles*, "by the mere statement of

its action can so arouse men's minds as to create at once an inspiration for good deeds done and a desire to emulate the doers of them, and so," he adds, "I have seen fit to spend my time and pains in writing the lives of famous persons."

Nature deals kindly with us. She brings us into being into this beautiful world and gives us an opportunity to make of ourselves perfect units in her perfect universe and then,

"As a tired mother, when the day is o'er,  
Leads by the hand her little child to bed,  
Half willing, half reluctant to be led,  
Leaving his broken playthings on the floor,  
Still gazing at them through the open door,  
Nor wholly re-assured or comforted by promises  
of others in their stead,  
Which though more splendid may not please him more,  
So Nature deals with us and by the hand leads us  
to rest so gently  
That we go, scarce knowing if we wish to go or stay  
But too full of sleep to understand how far the  
unknown transcends that which we know."

We are here today upon hallowed ground, ground made sacred by the life of the immortal Lincoln. Statues memorializing Abraham Lincoln are inspiring tributes, but Lincoln's Gettysburg address will live on and on in the hearts of men and in the realms of literature long after those statues have crumbled to dust.

Such memorials, indestructible and ever inspiring, we would build to the memories of all of those who have held the honorable position as Justices of this court.

Good men and good influences never die. Moses is not dead. Moses lives in every just constitution, in every statute and every decision of the judiciary. Shakespeare lives and Milton lives. Our fallen heroes live, even though they sleep in unknown graves, with only a tiny headstone to mark each last resting place. And those who have died in our defense before and those who are dying in our defense today have likewise erected for themselves monuments more enduring than bronze.

Charles Curtis Craig was born on June 16, 1865, at Knoxville, Knox county, Illinois. His father, Alfred M. Craig, had been a member of the Constitutional Convention of 1869, and served three terms, from 1873 to 1900, as a Justice of the Supreme Court of

Illinois, with a distinguished career more fully recorded in the memorial and addresses published at pages 9 to 19 of volume 253 of the Official Reports of this court. His mother, Elizabeth P. Harvey, was the daughter of Curtis K. Harvey, a lawyer of distinction and a member of the Constitutional Convention of 1847. From this parentage, the boy drew his interest and background in the law.

After the usual public schooling of the community, Charles C. Craig attended Knox College and Notre Dame University, and was graduated from the United States Naval Academy. Resigning from the naval service, he took up the study of law at Illinois Wesleyan University where, in 1887, he organized and coached the first football team to represent that institution. He was admitted to the Illinois bar in 1888, and immediately entered upon the practice of his profession at Galesburg.

His career in public affairs began with service for two terms as a representative from the Forty-third District in the Illinois General Assembly. He was narrowly defeated as candidate for the Supreme Court of Illinois representing the Fifth Supreme Judicial District in the regular election of 1909, but four years later, in 1913, succeeded his opponent, Judge John P. Hand, when the latter resigned from the court. Judge Craig served the remainder of this term, being himself succeeded by the incumbent Justice Clyde E. Stone, in 1918.

Upon his retirement from the court, Judge Craig returned to the practice of law, and, with his brother, Dr. Harvey Craig, engaged in extensive farming and business undertakings. At one time he was president of the Bank of Galesburg, and served as a director of the bank from 1918 to 1930. He was also a trustee of Knox College, contributing liberally to the support of its activities.

Although he had resigned from the navy on his graduation from the Naval Academy, his interest in military affairs continued throughout his life. He was for many years Captain of Battery B, First Artillery, Illinois National Guard, and later, as Lieutenant Colonel and ordnance officer of the Third Brigade, he was instructor and supervisor of rifle instruction for all companies of the State militia in the northern counties of Illinois.

In recent years his failing health had caused him to withdraw from many of his former activities in the community. He was at one time a member of the Galesburg Club, Elks Club, Masons, Knights Templar, Shrine, Knights of Pythias, and other civic and fraternal organizations. He was a member of the Knox County Bar Association and was Honorary Member and Senior Counsellor of the Illinois State Bar Association.

On July 12, 1893, Miss Louise Dary and he were united in marriage at New Orleans, Louisiana. Judge Craig died suddenly at his home in Galesburg, on August 25, 1944, leaving Mrs. Craig as his sole survivor.

I can best summarize our feelings by reading the citation appearing on the certificate by which the Illinois State Bar Association conferred upon him the title of Senior Counsellor in recognition of his practice for more than fifty years at the bar of Illinois, from which I quote:

"He has set an inspiring example of devotion and fidelity to the duties and obligations of an attorney and counsellor at law, of leadership and unselfish participation in the public affairs of his community, State and nation, and of those commendable personal qualities that characterize those who best exemplify the high ideals of the profession of the bar as officers of the courts in the administration of justice."

I like to feel that Justice Craig and all the other Justices of this court who have departed are here in spirit, that they are able to fully realize the outstanding service that was performed by them as it has been continued down to the present day and as it will be continued in the future.

"And sometimes between long shadows in the grass,  
The little truant waves of sunlight pass,  
Our eyes grow dim with tenderness the while,  
Thinking we see them, thinking we see them smile.  
And sometimes in the twilight gloom apart,  
The tall trees whisper, whisper heart to heart.  
From our fond lips the eager answers fall,  
Thinking we hear them, thinking we hear them call."

And so to you, Justice Craig, and to all who served on this honorable court and who preceded you in death, again we say "au revoir." To you we send endearing messages of love and

memory. To you we express sincere sentiments of gratefulness and appreciation. May you be there to greet us at the celestial portal and may we live again in the eternity of bliss.

On behalf of the Illinois State Bar Association, it is my privilege to move that this memorial in honor of former Justice Charles C. Craig be spread upon the permanent records of this court.

MR. CHIEF JUSTICE FULTON :

I understand the Knox County Bar Association has delegated Hon. Rodney L. Stuart to speak in memoriam.

HON. RODNEY L. STUART :

*May it please the court*—I have the privilege, as the representative of the Knox County Bar Association, of speaking in support of the motion before the court.

Justice Charles Curtis Craig was born and lived a span of 79 years in Knox County, Illinois. Judge Craig was the son of Justice Alfred M. Craig and it is altogether proper to call attention to the memorial services held for the Hon. Alfred M. Craig in this Supreme Court on Saturday, December 16, 1911. The fact that father and son were, in turn, elevated to the high office of Justice of this Supreme Court, establishes without further proof the high regard, faith and confidence held by the citizens of their judicial district in them.

I was privileged to know Judge Charles Curtis Craig for the past twenty years. He was known throughout the State as a lawyer of distinction. He was ever mindful and loyal to the obligations of his profession. Judge Craig was friendly and sympathetic by nature, and these characteristics, together with his absolute sincerity, made it a pleasure to confer and associate with him. He was always courteous, conscientious and industrious. He recognized the important part the judiciary of the State played in the lives of our citizens; the faith, trust and confidence of our people in our courts; and during his long and useful life, he worked tirelessly and efficiently to justify and preserve that confidence in our judiciary.

Judge Craig was a recognized leader in Galesburg and Knox county. He could always be relied upon to support generously and with enthusiasm all projects for civic improvement. He gave gen-

erously of his time and served with honor and distinction as a trustee of Knox College. He was truly a respected and valuable citizen.

This memorial would not be complete without mention of Judge Craig's family life. He married Louise Dary and together they established an American home which was jealously guarded and preserved by mutual trust and admiration and enjoyed by both to the fullest extent for a period of fifty years.

In the passing of Judge Craig, we have lost a warm friend, a respected citizen and an able judge.

#### MR. CHIEF JUSTICE FULTON :

The court has asked Mr. Justice Stone to respond on behalf of this court.

#### MR. JUSTICE STONE :

This court recognizes and joins in the eulogies expressed here today on the life of Justice Charles C. Craig. It was not the privilege of any of the present members of this court to have been associated with him in his work here. I, therefore, do not have as intimate a picture of his method of working as one does who enjoys the close association that goes with membership on this court.

A son of a former Justice of this court, Hon. Alfred M. Craig, who served as a member for 27 years, from 1873 to 1900, he enjoyed the distinction of being the only son of a member of this court who followed in his father's footsteps in that regard. His father was an able judge, and Justice Charles C. Craig brought to this court that valuable heritage. As already indicated in these proceedings, he was elected to this court on October 20, 1913, to fill the unexpired term of Justice John P. Hand, who had resigned by reason of ill-health. The first opinion written by him was in the case of *People ex rel. Brockamp v. Schlitz Brewing Co.*, reported in volume 261 of the reports of this court, beginning at page 22. This case arose over objections to taxes. The last case in which an opinion was written by him was *Young v. Payne*, 283 Ill. 649. This case had to do with the partition of land and involved the important question whether a certain deed was valid as such or constituted a testamentary disposition of property. Thus,

throughout 22 volumes of the reports of this court he assisted in the disposition of this court's business.

Justice Craig in his five years on this court served in a period when an unusual number of vitally important questions arose and were decided. In these he took a deep interest, and his opinions in those in which he wrote, show careful consideration and independent thought, as do his dissents in some of them. Among the the important cases considered and decided during his service here was *Scown v. Czarnecki*, 264 Ill. 305, involving the validity of the Woman's Suffrage Act. On some points in this case Justice Craig did not agree with his associates and filed a vigorous dissent. In *People v. Czarnecki*, 265 Ill. 489, Justice Craig wrote the opinion. The question involved concerned the eligibility of women to vote for county commissioners of Cook county. Another important case which arose in the period of Justice Craig's service here was *Goodwine v. County of Vermilion*, 271 Ill. 126. This case involved the power of county boards to submit to the people the question of issuing bonds to pay for the construction of hard-surfaced roads within the county. The bond issue proposed was in the sum of \$1,500,000. This case, decided in 1915, before this State had begun the program of Statewide construction of such roads, may well be said to have been a forerunner of this State's present excellent system of hard-surfaced roads. During the time of the service of Justice Craig there were other cases affecting the question of women's suffrage, such as *People v. Byers*, 271 Ill. 600, and *Franklin v. Westfall*, 273 Ill. 402. Two other important cases of that period, in which the opinions were written by Justice Craig, were *Perkins v. Commissioners of Cook County*, 271 Ill. 499, involving the validity of the Forest Preserve Act, and *People v. Stokes*, 281 Ill. 159, involving the validity of the so-called "Loan Shark" Act. In each case the act was sustained. He also participated in the important case of *People v. Illinois Central Railroad Co.* 273 Ill. 220, which construed the charter of that railroad relative to payments to be made by it to the State. Thus was his service rendered in a time of important issues, in the solution of which he gave of his intellect and training.

Justice Craig was a man of wide business experience, which enabled him to grasp business problems arising in lawsuits, and

it is said of him that he never shirked a business liability, but when unfortunate times for business fell upon us all, he freely gave all of his large estate to meet the obligations of the enterprises with which he was connected. It is also said of him that he was a man of marked loyalty to his friends.

I am indebted to Mr. John H. Armstrong of Ottawa, Illinois, who was associated with him in his work on this court, for a more intimate view of his personality. Mr. Armstrong writes me: "Your kind letter of December 23, 1944, concerning Judge Charles C. Craig of Galesburg, recalls to me my association with one of the finest characters it has ever been my privilege to be associated with. While he had his faults, as most of us do have, his good qualities so far outshone his faults that they were not noticed or were soon forgotten."

Justice Craig's labors here, as they are preserved in the permanent records of this court, will ever be a monument to his service to this State.

#### MR. CHIEF JUSTICE FULTON :

This concludes the memorial exercises for this afternoon and the presenting of the memorial. It is ordered that the same be spread upon the permanent records of the court, and that copies shall be presented to the family of Justice Craig.

Out of respect for Judge Craig the court will now adjourn until nine o'clock tomorrow morning.



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

ARGUED AND DETERMINED IN THE

**SUPREME COURT OF ILLINOIS.**

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**VOLUME 389**

CONTAINING CASES IN WHICH OPINIONS WERE FILED IN NOVEMBER,  
1944, AND JANUARY AND MARCH, 1945, AND CASES WHEREIN  
REHEARINGS WERE DENIED AT THE JANUARY AND MARCH,  
1945, TERMS. ALSO TABLE OF CASES ON LEAVE TO AP-  
PEAL AND WORKMEN'S COMPENSATION DOCKETS  
FOR THE SEPTEMBER, 1945, TERM.

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EDWIN HILL COOKE,  
REPORTER OF DECISIONS.

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BLOOMINGTON, ILL.  
1945.