

## MEMORIAL SERVICES

HELD IN THE SUPREME COURT OF ILLINOIS ON THE DEATH  
OF THE HON. JOSEPH N. CARTER.

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On Thursday, October 16, 1913, at two o'clock in the afternoon, which hour had been set apart for the purpose, the following proceedings were had:

MR. CHIEF JUSTICE COOKE:

This is the hour designated for the proceedings to be had to commemorate the life and services of Hon. Joseph N. Carter, formerly a member of this court and now deceased. Judge Simeon P. Shope, of Chicago, who was Judge Carter's immediate predecessor as a member of this court, is here, representing the bar of the State. We will now hear Judge Shope.

HON. SIMEON P. SHOPE:

*If your honors please*—On the day before yesterday I was asked by the president of the State Bar Association to appear here before this honorable court and present a memorial relating to the life and services of Judge Joseph N. Carter. A committee of the Illinois State Bar Association, with other members of the bar who are not of that association, have adopted this, the memorial that was adopted by the Illinois State Bar Association and has been spread upon the records of their proceedings, which is as follows:

"Joseph N. Carter, of the Quincy bar, and who was for a term of nine years a justice of the Supreme Court of Illinois, died at his residence February 6, 1913. He was born in Hardin county, Kentucky, March 12, 1843. The parents of Joseph N. Carter re-

moved to Charleston, Coles county, Illinois, when the subject of these memoirs was about eighteen years old, and later moved to Douglas county, Illinois. He received his common school education there and graduated from Illinois College, at Jacksonville, Illinois, in the class of 1866. Having determined upon his life work he went to Michigan University, at Ann Arbor, Michigan, entering the law department, and was graduated from that school in 1868. Returning to Illinois he was admitted to the bar of this State November 3, 1869, and shortly thereafter formed a partnership with W. H. Govert at Quincy, Illinois, which continued until 1879. Judge Joseph Sibley then became a member of the firm, which continued until 1884.

"Judge Carter took an interest in public affairs and was twice elected as representative to the legislature of Illinois and took a prominent position in the Thirty-first and Thirty-second General Assemblies. In politics he was a republican. In 1894 he was nominated by his party as a candidate for justice of the Supreme Court in the fourth judicial district as successor to the Hon. Simeon P. Shope, whose term was soon to expire and who declined a re-election. Judge Carter was elected and became a member of the Supreme Court on June 4, 1894. He served until June 16, 1903. He was chief justice of the Supreme Court for the year 1898-99. He was assigned by the court to various important duties connected with the building up of the State law library. During his career he won marked distinction at the bar and on the bench. He was a man of unimpeachable character, sound judgment and an industrious and painstaking lawyer. On the bench he was patient, urbane and industrious, and brought to the discharge of public duty the highest order of legal intelligence combined with a capacity for great labor. The opinions of the court, which extend through fifty-one volumes of the Reports of the Supreme Court, will show powers of research and analysis rarely equaled.

"Judge Carter was married in 1879 to Miss Nellie Barrell, and left surviving him his widow, two sons and a daughter. No epitome of the life and services of this great judge would be at all complete, however extended, that did not include his many social virtues. He was kind, polite and obliging, had a serene temper

and disposition, and bound his friends to him with unseverable attachments."

I have read in the hearing of your honors what is spread upon the records of the Illinois State Bar Association, and, if your honors please, I desire to add this:

How short and meager seems this epitome of a busy and useful life! Yet it contains practically all that can be said of the life and services of a painstaking lawyer and judge, who, regardless of the dignity of his high office, discharges that great duty faithfully and well. There is nothing in the work of a judge, toiling among the records of the court, collecting and applying authorities,—a martyr to his sense of duty,—to attract the attention or excite the applause of the populace. Still, to the thoughtful man it will at once occur that the work of the judge, if less heroic, may be more beneficent and far-reaching in its results to mankind than that of the constructive statesman or the great generals of the armies of the country. Indeed, from the beginning of our civilization the judges in the English-speaking countries have not only aided in perfecting the law, but have also been important factors in laying the foundation for the wonderful civilization those countries have attained.

I had known intimately the distinguished lawyer and judge whose life and services we commemorate to-day and had learned of his goodness of heart and kindness of purpose as well as his learning in the law. No one, in my judgment, has come to this bench in many years whose trend of thought and literary and legal education better fitted him for the discharge of the important duties that this court owes to the people and the State than this distinguished lawyer. He was admitted to the bar of this State in the fall of 1869 and immediately commenced the practice of his profession in Quincy. There he was brought in contact with men eminent in the profession and surrounded in adjoining counties by many of the great legal minds of the State. At Quincy, Archibald Williams, Orville H. Browning, O. C. Skinner, the elder Wheat, and a score of other eminent men of the profession, were his associates and antagonists; while in this great central portion of the State there were Cyrus Walker, Chauncey L. Higbee, Stephen T. Logan, Norman H. Purple, Julius Manning,

and many others, with whom he was necessarily brought in contact, and who had by their great ability as lawyers placed the bar of Illinois to the fore in the western States. Indeed, the opportunities for ethical learning and for advancement in his profession have rarely been equaled.

It was my good fortune to preside over the circuit courts of Adams county for many years, beginning shortly after Judge Carter's entrance into his profession. He was in court day by day, and I had every opportunity to observe the care with which his cases were prepared and the force with which they were presented to the court or to the jury, as well as his uniform politeness and courtesy toward the bench, the bar and the people. His cases were well prepared, always, and I recall a number of them (in one of which Judge Browning was associated) where the presentation of them excited my admiration.

As already said, the time of his entrance in the profession, or a very few years previous thereto, marked, in my judgment, the high-tide of the profession in this State, and while many of the great lawyers had recently passed away, the effect of their great character and ability in creating in the profession a high type of professional courtesy and dignity remained. The tone and character was well sustained by the younger members of the bar, foremost among whom was Joseph N. Carter. The subject of these memorial services had laid broad and deep the foundations for his fame as a great lawyer. He had studied well the rise of the civilization of the English-speaking peoples and the basic conditions upon which the common law of the country rests. He brought to the discharge of his duties as a justice of this honorable court high ideals of professional ethics and a profound realization of the great duties that had been entrusted to him. He had thoroughly learned that the purpose of law was, not only to protect society and to maintain the State, but also to keep step with the advancing civilization of our people. The common law is not the product of princes or kings nor the work of a generation. It is the growth of centuries, marking, as nothing else does, by decades, or generations, or centuries, the advancing and progressive civilization of the English-speaking races. Practically at the dawn of the English common law, customs of the common

people, at first crude and simple and applying only to their wants and needs, came into existence. Later they became more complex and diversified, and ultimately reached all such matters as affected the person, property or rights of the people. At a very early date the court established rules by which the validity of these customs might be established, and thus these customs became crystallized into the law of the land, thereafter furnishing a foundation upon which the advancing civilization of the race could safely rest until further advancements were made. Thus the law and the civilization of the people have gone hand in hand through the ages. None felt more keenly than Judge Carter that the great body of the law has simply kept pace with the mental and moral culture of the people, and that, working together, the people have advanced, and will still advance, under the guidance of beneficent government until the realization of perfect government shall be attained. Having this in contemplation, he well understood why the Briton loves his country and his law. His laws are a part of himself and inherited from his ancestors, and produce in the hearts of the English people a patriotism and unflinching courage, not only to maintain the integrity of the soil upon which they live, but the great heritage of liberty regulated by law. Our people have inherited this great work that had been done to advance the civilization of the people, and while legislation will be required, as it has been in the past, this legislation is controlled by the people themselves, and it needs no prophetic eye to see that this civilization will go on, from generation to generation, until all those things that make for righteousness and truth and the upbuilding of the people shall come to bless mankind. To this high purpose he was willing to devote his life and his energies, with the full realization that a patriotic and wise judiciary is absolutely essential to its accomplishment. A glance at many of the opinions of this honorable court emanating from his hand and brain will demonstrate the progressiveness of his mind and his ability to meet the present or future wants, conditions and needs of the State and of its great people, and the great principles therein announced will live to guide the people and their courts long after the identity of the hand that wrote is forever lost. He will be remembered by his associates as a kind and loving friend,

by the profession as an able and profound lawyer, and by the people as a wise, conscientious and painstaking judge.

I move, your honors, that the matter taken from the records of the Illinois State Bar Association be spread upon the records of this court.

Mr. CHIEF JUSTICE COOKE:

Judge Lyman McCarl, of Quincy, will present the memorial of the Adams county bar.

Hon. LYMAN MCCARL:

On the first day of the March term a memorial was adopted by the members of the Adams county bar, and a committee, consisting of William Schlagenhauf, George H. Wilson and myself, was directed to present it to this honorable court, and I will now have the privilege, as a member of that committee, of presenting that memorial.

“Again are the members of the Adams County Bar Association called upon to mourn the loss, by death, of one of its most honored, noted and distinguished members and officers. Judge Joseph N. Carter suffered a stroke of apoplexy on February 6, 1908, from which he never recovered, but he gradually declined, both physically and mentally, from its effects, until finally, on February 6, 1913, just five years from the day of the first attack, he passed away at his home in the city of Quincy.

“The history of the life of Judge Carter is very similar to that of many other noted men of this State who were his contemporaries. He was born in Hardin county, Kentucky, March 12, 1843, and was the fourth of ten children born to William P. and Martha Carter. In 1857 his parents moved to Coles county, Illinois, and a year later removed to Tuscola, Douglas county, Illinois. He acquired his early education in the public schools of Big Springs, Kentucky, and Tuscola, Illinois, after which he taught school for three years and then entered Illinois College, at Jacksonville, Illinois, from which institution he was graduated in 1866. Having decided upon the law as a profession he then entered the law department of the University of Michigan, where he completed the law course, and was admitted to the Illinois

bar on November 3, 1869, by the Supreme Court of this State, of which he afterwards became a member. He then came to Quincy to practice his chosen profession, where, a year later, he was joined by his former college chum, William H. Govert, with whom he formed a partnership, which was continued under the name of Carter & Govert until 1879, when Judge Joseph Sibley was admitted to the firm. Judge Sibley retired in 1884, and in 1888 Theodore B. Pape was admitted to the firm, which was then styled Carter, Govert & Pape, which firm continued until Judge Carter was elected to the Supreme bench, in 1894. In 1878 Judge Carter was elected a member of the lower house of the Thirty-first General Assembly on the republican ticket and re-elected in 1880. In 1882 he received the nomination for State senator on the republican ticket. He was defeated, but by a greatly reduced majority. In 1894 he received the republican nomination for Supreme judge in the fourth judicial district of this State. Although the normal democratic majority had been about 12,000 in the district, he was elected by a handsome majority. He served one term of nine years on the Supreme bench, one year of which, from June, 1898, to June, 1899, he served as chief justice of this court. At the close of his judicial term he was again a candidate for re-election, but the wheel of fortune had changed the political situation in his district and he was defeated by a very close majority, after which he resumed the practice of law in Quincy, where he enjoyed a most lucrative practice until he was stricken by apoplexy, as above narrated. In 1879 he was married to Miss Nellie Barrell, of Springfield, who, with three children, Henry B., of Carson City, Nevada, Mrs. Montague Ferry, of Chicago, and William Douglas, of Quincy, survive him.

"Such is a brief history of the life of Joseph N. Carter, a life-long member of this bar association and its president at the time of his demise. Now that he is gone, what shall we record of him? As a lawyer he had no superior at this bar and but few equals in the State. The firm of Carter & Govert enjoyed the largest and most lucrative practice ever enjoyed by any firm in this county. The abilities of these two men so dove-tailed together as to make their firm one of the strongest in western Illinois.

"Judge Carter was a profound student of the law. He had a keen, analytical mind. He was a safe counselor and a successful advocate. His long years of practice fitted him exceptionally well for the arduous duties of a Supreme judge. As a judge he was painstaking, careful, thorough, honest and capable. His opinions, which will be found in Vols. 153 to 203 of the Illinois Reports, rank among the most scholarly in the annals of this court. As a citizen he was one of the most distinguished in the State. He was a man of unimpeachable character and unusual intellectual attainments. He was, moreover, a man of the kindest feelings, urbane, and of rare traits of character. Above all, he was known for his peculiarly pleasant personality, his honor and integrity."

With the permission of the court the second member of the committee, Mr. Schlagenhauf, will further represent the Adams county bar.

#### HON. WILLIAM SCHLAGENHAUF:

*May it please the court*—At the request of the Adams County Bar Association we appear before this honorable court to present the memorial just read in memory of our departed brother and former member of this court, Judge Joseph N. Carter.

In all ages and in all countries it has been the universal custom to honor the dead, to lay aside for a time the cares and conflicts, the pleasures and pastimes, the duties and demands of life, to pay tribute to the virtues and triumphs of the departed ones and in kind and loving language render to their memory the homage and affection of true and undying friendship. King Solomon said, "To everything there is a season and a time to every purpose; a time to weep and a time to laugh, and a time to mourn and a time to dance." This, to-day, in this court, is the time of mourning. By constantly applying the close reasoning required in our profession and ever analyzing cold facts to arrive at a logical conclusion and to determine right from wrong, we, as lawyers, are apt to grow indifferent to the rest of the world and pay little attention, if any, to the nobler sentiments of mankind. It is therefore eminently proper and fitting for us, at times, to lay aside the intricacies of the law and enter into that wider field of thought



in which we deal with human sympathy, charity, love and respect. And so, prompted by those higher and nobler sentiments in the human heart, we have come to pay a tribute of honor, love and respect to the memory of Judge Carter,—a worthy citizen, distinguished lawyer, an able jurist, and, above all, a true man. His life is the same old story of the poor American boy. Without means, without help, by perseverance, pluck, industry and honesty, he made a success of his chosen profession and became a respected and honored citizen of our State. Loyalty and honor were his distinguishing traits. He was loyal to his country, to his friends and to every principle of right and justice. It has been said that “we honor and respect the dead for the benefit of the living.” The sun sets behind the western hills, but the trail of light it leaves behind guides the pilgrim to his distant home. The tree falls in the forest, but in the lapse of ages it is turned into coal, and our fires burn now the brighter because it grew and fell. And so our departed brother lived and died, and our lives can be made brighter if we cherish his virtues and follow the example of his worthy traits. He was loved and respected by his townsmen and fellow-citizens, and through all his entire career, with the large practice he enjoyed, with the immense amount of business he transacted and through the trial of many contested cases, no one ever questioned his honesty. In all the positions of trust and honor he exercised a zeal and discretion truly commendable.

It would be presumptuous on my part to attempt to discuss his abilities and qualifications as a judge before this distinguished court. He performed his arduous duties as a judge with the same fidelity, care and industry that characterized his entire life. His judicial ability and greatness as a judge are written in the records of this court, to be read and judged by future generations. In politics he was a partisan, firm in his convictions, always steadfast, fair and manly, devoted to his party and generous and honorable to his adversaries. He was a diligent student of the law and studied and prepared his cases carefully. In the trial of cases he was courteous to the court; matchless in argument, ready with an answer and equal to any emergency; cool, thoughtful and deliberate, kind to his adversaries but ever guarding the interests of his client.

Judge Carter was a very kind-hearted man. That trait often prompted him to help and aid other members of the profession without pay, and it was nothing unusual for him, in his busy life, to give his time and skill to assist the younger members of the profession. It is the life and character of such a man that makes life worth living and helps mankind to be happier, nobler and better. And after all is said and done and life's course is finished, the crown of success in our noble profession rests not upon wealth, nor power, nor glory, but upon the cardinal principles of truth, justice, honesty and fidelity,—the true foundation of an honorable and successful professional career. We may well emulate the example of his noble life, his unfeigned piety to God and his inflexible fidelity to every trust.

And now, may it please the court, in order to preserve this memorial and to perpetuate the memory of Judge Carter, in behalf of the bar of Adams county I move that this memorial be spread upon the records of this court.

HON. GEORGE H. WILSON:

*May it please the court*—Sir Thomas Browne said that death is the disgrace and ignominy of man. So it seems from the purely human point of view. I have always been jealous of the mark of time upon my friends, and could never bear the thought of any of them growing old or their physical forces abating. I have felt the same in regard to my literary friends and acquaintances,—that their mortal part should survive, together with their literary work; and so I felt about Judge Carter as the years crept upon him. He was personally a delightful and companionable man, without a touch of austerity about him. He was particularly kind and sympathetic with young lawyers. There is sometimes a tendency with older lawyers to break off the brittle end of a courtesy when meeting the young,—to make them know their place, and keep it, too. Not so with Judge Carter. He never forgot the day of small things. Although he was born of humble parentage, without the glamor of a great name to cast its sheen about him, yet he came of the class that forms the bone and sinew of the nation. His father was a Kentuckian, who came with his family to Coles county in the fifties, and Judge Carter grew to manhood

on the farm, receiving through the uses of adversity that discipline that stood him in good stead in later life. Educated in the common schools, for a short time, as a very young man, in the service of his country during the war of the rebellion, graduated from Illinois College with honor and later from the law school at Ann Arbor, he entered upon the practice of his profession at Quincy splendidly equipped, his generous natural endowment molded and strengthened by the severest mental training. Twenty-five years of active practice placed him at the very forefront of his profession.

Judge Carter was modest and rather retiring in his disposition. Without attracting attention by any of the cheap and shallow arts practiced by men of smaller mold, he forged ahead by the sheer force of his tireless energy and ability. Whether in counsel or in the active conduct of a trial he always pulled his own weight, and more. When called into association with a younger man in a case he was uniformly considerate and made him feel that he, the junior, was the leading counsel, although that was wide of the truth. I noticed this also after he retired from the bench. His manner of trial of a case was likely to deceive his opponent. He would try it easily and quietly, but the opposing counsel would suddenly awake to the fact that he had gotten out everything that there was in the case and had possibly gotten the other side out of court. He was not a great speaker in the ornamental sense of the term, but by his keen analysis and application of the law to the facts in the case he was powerful and convincing in argument before a jury. I have more than once been profoundly impressed by his wonderful power, in argument, of gathering up the dry bones of evidence, articulating them together, each to its fellow, and reproducing the living, breathing truth of the event in its proper relations.

After the retirement of Judge Carter from the bench he resumed the active practice of the law and did what few ex-judges have been able to do in our locality,—build up a lucrative practice. Soon after he resumed the practice, lawyers from adjoining counties, and farther, sought his assistance, and he thus became connected with desirable litigation and was recognized as the leading lawyer in our part of the State. In a peculiar sense he be-

came the acknowledged leader of our bar, first among his fellows, and the other practitioners felt free to seek his assistance, because they knew that the confidence would not be violated either as to attorney or client. It would hardly be proper for me in this presence to attempt to give an estimate of him as a member of this bench. However, I will venture to say that his nine years' service on the bench fully justified the responsibility that was placed upon him; that he possessed to an eminent degree the judicial mind and temperament.

Sir Christopher Wren, the architect of St. Paul's, in London, is buried under the dome of St. Paul's with some such epitaph as this: "If you would see my monument, look around you." It may well be said, "If you would see the monument of Judge Carter, look at the body of the law of Illinois, to which he contributed a substantial part."

HON. RICHARD YATES:

*May it please the court*—If I am not wholly out of order I should like to add a word. It is hard for me to realize that only one member of this court is now sitting who was here while Judge Carter was upon this bench. How rapidly the years have elapsed! I had the honor and the pleasure of being one of the delegates to the convention, which was held in Jacksonvillé, which nominated Judge Carter for this position. It seems but yesterday. I was selected by the delegation of Morgan county (which felt a special interest in Judge Carter because he had graduated at Illinois College, located at Jacksonville,) to second his nomination, and did so with pride and pleasure after his name had been presented by some member of the Adams county bar. I was glad to do it then and I am now glad and proud that I had the opportunity. I knew him well, and it was my fortune some years ago to be one of the attorneys against him in a jury trial. It was an interesting case and lasted a month, and during the month we became well acquainted. The question involved in the case was one of testamentary capacity. There were eight lawyers and many physicians interested in the case, but throughout the serious tangles in which we all became involved,—judge, jury, doctors and lawyers,—Judge Carter was entirely self-controlled and most dignified, and was

altogether a splendid exponent of the high ideals of the great profession to which we all belong.

Mr. CHIEF JUSTICE COOKE:

Each member of this court shares the feeling which prompted the presentation of these memorials. The sentiments expressed therein and the remarks made in connection therewith meet with our sincere approval.

It was not my good fortune to be numbered among Judge Carter's personal and intimate friends. My acquaintance with him was but casual. It was sufficient, however, for me to be able to appreciate his sterling qualities, his ability as a lawyer and a judge and his value as a citizen. As a man and a citizen he typified all that is best in American manhood. As a lawyer, by his industry, ability and sincere devotion to his work, he early acquired a position at the head of the bar in his section of the State. He was the type of man who would naturally be selected by those to whom he was known, to represent them in the affairs of government, and the impression which he has made upon the history of the State amply justified the act of his constituents in electing him as a judge of this court.

Judge Carter became a member of this court on June 16, 1894, and served for the full term of nine years. During this service he delivered 537 opinions, which appear in fifty-one volumes of the Illinois Reports, the first one appearing in the 153d volume and the last in the 203d. While it did not fall to his lot to write many opinions in cases of great public interest, he was the author of many which involved important principles and rules of law and which constitute valuable precedents. He was particularly fortunate in always being able to express his views in a brief and concise form, with the result that his opinions stand out as notable examples of precision and brevity. This brevity was not accomplished at the sacrifice of any question involved in any case or of a lucid or satisfactory discussion of every matter proper to be decided. He had the rare faculty of being able to point out unerringly the precise question involved in every instance and of discussing it in a clear, concise and convincing manner. His contribution to the legal literature of the State and nation will still

be appreciated after time has obliterated all personal recollection of the man himself. He was a worthy, able and conscientious member of this court, and his work will remain as a living testimonial to his industry, his scholarly ability and his fidelity to the trust reposed in him.

Mr. Justice Cartwright is the only member of the court, as it is now constituted, who served with Judge Carter. He can speak from the more intimate knowledge and acquaintance which resulted from their close association, and I will therefore ask him to reply further on behalf of the court.

MR. JUSTICE CARTWRIGHT:

When I came to this court I met and became an associate of six judges who had been chosen by the people and had been charged with the obligation to administer justice between man and man according to settled rules of law and sworn to support and maintain the constitution of the State. Six times since that day the court and bar have met to commemorate the life and services of some one of those men who has passed away. This hour is devoted to giving expression to and recording our estimate of the character, ability and public services of the last of them, and my thoughts naturally go back to the seven and one-half years of personal association with him, the well remembered scenes of the conference room and the loyal friendship not broken or marred to the end of his life. He had already justified his selection by the people for the important duties of his office and had shown his quality as a judge. Soon after his election it fell to his lot to deliver the opinion of the court on the question whether an act of the legislature apportioning senatorial districts, with an apparent view to the advantage of a political party to which he and a majority of the court did not owe allegiance, violated the constitution. Nothing could illustrate more clearly his character, ability and judicial quality than the opinion written by him in that case. The act was sustained by giving to the legislature the broadest discretion in the exercise of legislative powers and ignoring the questions of inequality and injustice resulting from it. He emphasized the rules which had guided the courts and been declared and recognized by the most eminent citi-

zens and the greatest writers on constitutional law, that if the validity of an act is merely doubtful it must be sustained, and that courts are not at liberty to go outside of the constitution, nor, keeping within its bounds, to trespass upon the legislative field and set up some standard of their own, based upon what might be deemed the inalienable rights of men, or the fundamental principles of right and justice or of representative government, or some principle supposed to underlie the constitution, by which to measure the validity of an act of the legislature. This court has always recognized that the will of the people is supreme; that they are the final arbiters as to the law, and that the only law made by them in their original sovereign capacity as law-makers is the constitution. No law has been held void because the court had any control over legislative power or deemed the act unwise or productive of inequality or injustice, but only because the act was forbidden by the constitution, and for the reason that the will of the people as therein expressed is paramount to that of the legislature expressed in any act. Neither has any law been held valid or invalid on account of the prevailing public opinion.

Courts are not only not at liberty to set up standards of their own to determine the validity of legislative acts, but they are not at liberty to adopt or enforce rules not in harmony with the constitution because they are believed in by a portion of the people, whether a majority or not. Schemes for change in the government may originate in good or bad motives and may be wise or unwise. They may be the result of observation, reflection and study of conditions and problems affecting government. They may be mere doubtful experiments, or experiments that were tried and failed and were long ago discarded. They may be advanced by furious assaults upon existing conditions and laws, and violent denunciations made to sound plausible to the ear by linking them with political catch-words and alluring promises. If they are wise and tend to real progress they will commend themselves to the mature judgment of the people, and will be embodied in the fundamental law as a deliberate expression of the public will and become a guide for the court. If they are mere temporary and emotional outbreaks, representing revolts against existing conditions, with no promise of real improvement, reflection will dem-

onstrate the fact and prevent their adoption as a part of the constitution. To adopt or enforce the views of a mere majority of the voters from time to time would make the government not one of settled laws, but as unstable as the waves of the ocean and as shifting and uncertain as the winds of heaven.

Judge Carter was a man of great physical and mental strength and had a clear insight into the problems which came before the court for solution. In the conference room he was not accustomed merely to vote for or against a particular conclusion in the case, but had the ability, and it was his habit, to state briefly but clearly the grounds of his conclusion, from which the other members of the conference could understand the reasons which influenced his decision. He was never hasty or intemperate in what he said but always recorded his deliberate judgment. He stood, as the court has always stood, for the constitution and the laws, regardless of political affiliations, and never espoused any cause or sought to advance the theories or fortunes of any party, but maintained a perfect mental and judicial balance and sought only to administer the law as he understood it.

Mr. CHIEF JUSTICE COOKE:

These memorials, together with all the proceedings had, will be spread at large on the records of the court and also published in the bound volumes of our Reports. As a further tribute to the memory of Judge Carter the court will now adjourn until nine o'clock to-morrow morning.



REPORTS  
OF  
CASES AT LAW AND IN CHANCERY

ARGUED AND DETERMINED IN THE  
SUPREME COURT OF ILLINOIS.

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VOLUME 260.

CONTAINING CASES IN WHICH OPINIONS WERE FILED IN OCTOBER  
AND DECEMBER, 1913, AND CASES WHEREIN REHEARINGS  
WERE DENIED AT THE DECEMBER TERM, 1913.

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SAMUEL PASHLEY IRWIN,  
REPORTER OF DECISIONS.

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BLOOMINGTON, ILL.  
1914.