

DEDICATORY CEREMONIES.

The Supreme Court of Illinois took formal possession of the new Supreme Court building at Springfield, Illinois, on the 4th day of February, 1908. That day had been set apart for the formal dedication of the building. The ceremonies were held under the auspices of the Illinois State Bar Association, and a large number of attorneys from different parts of the State, both members of the bar association and others, assembled in the new court room to witness the ceremony. At the hour of ten o'clock A. M. the court convened, with a full attendance of the justices. Hon. James A. Rose, Secretary of State of Illinois, and *ex officio* a member of the commission having in charge the construction of said building, addressed the court as follows:

May it please the court—The commission created by law to construct the Supreme Court building had expected their chairman, his excellency Charles S. Deneen, to deliver an address before your honorable body and deliver into your keeping the keys of this new Supreme Court building. But it is with regret that I have to announce that under the advice of his physician the Governor has not deemed it best to appear and speak on this occasion, and he has requested me to express his regret not only to the court but to the bar and the public.

We meet here to-day for the purpose of dedicating this our new Supreme Court building, and I presume that it will not be amiss to give a brief outline of the history of the legislation providing for its construction and of the work of construction.

On April 13, 1905, during the session of the Forty-fourth General Assembly, Senator Corbus P. Gardner, of LaSalle county, in-

troduced a bill providing for the erection of a Supreme Court building. It provided that the commissioners to be charged with the letting of contracts and the superintendency of construction should consist of the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, and three members of the Supreme Court to be selected by that body. The bill provided that the entire cost of the purchase of a site and the construction of the building should not exceed \$350,000, \$150,000 of which was by the terms of the bill then appropriated to begin the work. The bill passed the senate April 21, 1905, and was reported to the house and passed May 2, 1905, and was reported back to the senate and sent to the Governor May 4, and was approved by him May 18, 1905. The Supreme Court selected Judges Cartwright, Boggs and Wilkin as the three members of the commission. The first meeting of the commission was held June 21, at which meeting Gov. Charles S. Deneen was elected president and Secretary of State James A. Rose secretary. Soon thereafter the site for the building was purchased in two lots, one from Christiana G. and O. Prickett for \$41,562 and one from Ernest Helmle and wife for \$16,000, making the site cost \$57,562. On July 12, 1906, Judge Boggs resigned and Judge Hand was by the court selected in his place. On July 17, 1906, the general contract for the construction was awarded to V. Jobst & Sons, of Peoria, Ill., for the sum of \$148,000. This contract included only the construction of the walls and roof of the building. From time to time other contracts were let, including lighting, heating, decorating, etc. On April 3, 1907, Judge Jacob W. Wilkin died, and soon after Judge Farmer was appointed by the court to fill the vacancy. February 27, 1907, in the Forty-fifth General Assembly, Senator Gardner introduced a bill appropriating \$200,000, being the balance of the \$350,000 originally provided for in the act authorizing the construction of the building, which said act was passed by both branches of the legislature and approved by the Governor April 26, 1907. On April 30, 1907, Senator Gardner introduced a bill appropriating \$15,000 to the Secretary of State to construct the tunnel for the heating plant, and to the court the sum of \$85,500 for moving the law library and the purchase of furniture for the building.

It will thus be seen that the entire appropriations to cover the cost of the site, construction of the building and the furnishing thereof has amounted to the total sum of \$450,500. The members of the commission congratulate themselves upon the fact that all of the contracts have been completed within the time specified; that we have not been hampered by any strikes or lock-outs; that there has been no controversy between the commission and the contractors in regard to faulty work or over-charge, and we desire to say that in the main all of the persons, whether principal contractor or sub-contractors, have tried to see, not how little, but how much they could do in order to make the building perfect.

For the successful termination of our labors the commission desires to extend their thanks to the State architect, W. Carby's Zimmerman, whose plans were adopted and whose painstaking care has enabled us to successfully complete this magnificent building entirely within the appropriation allowed and within a very reasonable time from the beginning of its construction. We also desire to extend our thanks to his very able assistant, Mr. J. E. Cole, who has constantly been on the ground looking after every detail of construction.

Another matter upon which the commission and all those connected with the construction of this building may well congratulate themselves is, that the tax-payers generally have given their hearty approval to the construction of this splendid building for the home of our highest judicial tribunal, and we may well ask why this is. As a rule, we know that the tax-payer is very jealous of the expenditure of money for the construction of costly buildings. The answer is, that the people of this great State revere and respect the courts, and the illustrious history of the Supreme Court of the State of Illinois has impressed upon the minds of the people that the integrity and dignity of our court merits a building in which to hold its sessions, that will reflect not only the honor in which the court is held, but the progress and liberality of our great State.

And now, your honors, in conclusion, in behalf of the commission and of the people of the State of Illinois I take great pleasure in turning over to you the keys of this building. [At this point Mr. Rose handed over the keys of the building to the chief justice.] May your meetings here from time to time be pleasant, and

may you continue to maintain the high standard in the future that has ever marked the past history of the Supreme Court of the State of Illinois.

Hon. James H. Matheny, of the Springfield bar, president of the Illinois State Bar Association, then addressed the court as follows:

May it please your honors—We have met to-day to observe in a fitting manner an event of the greatest interest and importance in the judicial history of the State, and it has been deemed appropriate that the Illinois State Bar Association should take part in this observance. There is, indeed, much of propriety in this, for the location of this court at the capital of the State, which made possible this building, was the achievement, and possibly the greatest achievement, of that association. Of the many who contributed to that result I may not speak, but perhaps I may, without unfair distinction, mention some of the participants of that undertaking: Gross, who drew the Consolidation act, and the committee who advocated its passage,—Hamline, Moran, Harker, Farmer and Gary.

Judge Gross is with us to-day only in spirit. Advancing years and increasing infirmities have taken him out of the activities of the courts and the bar of which he was an ornament and which he loved so well. Hamline and Moran are absent,—cut off from us by the veil of mortality. Of Hamline in particular I should speak, for of him alone may it be said that without his part the result might not have been accomplished. We may know how well they did their work when we recall that although the Consolidation act of 1897 was a statute of the greatest moment, bitterly opposed by important sections of the State, yet its constitutional validity has never been questioned, and though it has remained on the statute book for more than a decade this court has not been called upon to construe even one of its provisions.

In this presence and on this occasion there is a world of things that crowd upon me, but I must forbear and give place to him who has been chosen to voice the sentiments of the bar,—Benson Wood, soldier, statesman, lawyer. That the "gladsome light of jurisprudence" may shine herein as warm and bright as does the sunlight in this beautiful temple; that the system of justice here dispensed

may be as pure and true as the classic lines of its architecture; that the fidelity of the bar may ever be as firm as its columns and its arches; for these things fondly do we hope and to them we pledge ourselves anew.

Hon. Benson Wood, of the Effingham bar, then delivered the following dedicatory address:

May it please the court—On the fourth of January, 1877, a number of lawyers met in this city and organized the Illinois State Bar Association. Eventful years,—enough to nearly measure the life of a generation,—have passed since that day. The increase in the number of people of the State during this period equals its entire population at the end of the first fifty years of its existence as one of the States of the American Union. In wealth and influence; in the development of material resources; in the magnitude of its commercial interests; the anticipations and expectations of a third of a century ago have been more than realized. The growth of legal business is manifested by the increase in number of courts and of judges. The printed books wherein the decisions of this court are reported outnumber those of all the preceding years by one hundred and forty-one. A new court of appellate jurisdiction has been created since then, the published opinions of which already fill one hundred and thirty volumes.

Some things occur to the memory of those who outlive these years that have gone by, that bring a measure of sadness as well as pleasure. Not one of the justices of this court who were then on its bench is sitting where either of your honors do now. All but one have passed to the "unknown country," but each has left behind him a record of ability conscientiously displayed and integrity without a spot. One who participated in that first meeting,—an honored member of this tribunal,—has within the past year been called away by death. The majority, however, of those early members, once so regular in attendance, come no more to our meetings. If the old roll were called to-day few responses from earth could be made. They have gone the way that all the living must go, but leaving to the survivors pleasant recollections of prized associations. And yet it is a great pleasure and satisfaction to recall that many of those who met on that January day,

thirty-one years ago, and in the first regular meeting a year thereafter, have not been forgotten nor failed of recognition by an appreciative people. One has been called to the highest judicial tribunal of the nation and honorably occupies the place once filled by a Marshall; another was chosen as Vice-President of the United States; another has, for more than a quarter of a century, faithfully represented Illinois in the United States Senate; another was placed on the bench of this court; others chosen as judges of our circuit and Appellate Courts, and many others to high official positions of honor and trust, where duty has been ably and conscientiously performed.

The State Bar Association has had no occasion to come as a suitor before the Supreme Court. Its occasional presence here has generally been to ask for brief time in which tributes of respect might be paid to the memory of some of our distinguished associates here, as judges or attorneys, who were then among those who had gone from earth. Its last appearance in this presence was on the one hundredth anniversary of the elevation of that great constitutional lawyer and jurist, John Marshall, to the office of chief justice of the Supreme Court of the United States. These courtesies, heretofore so kindly extended, not only to us but to the bars of many counties, seem a reasonable excuse for me to ask, by the direction of the State Bar Association, for a brief pause in the pressing business of this court, that mention might be made of so important an occasion as the occupancy, for the first time, of this magnificent building by the Department of Justice. Naturally there occur, at first, some brief matters of history.

The first term of the Supreme Court at which cases were considered was held at Kaskaskia in December, 1819; from the July term, 1820, up to the July term, 1839, at Vandalia. Prior to 1849 all judges were elected by the General Assembly, to hold their offices during good behavior, and there was but one place,—the seat of government,—at which the constitution authorized the sessions of this court to be held. But by the statute of 1845 its justices seem to have been given the right (not, however, exercised,) to change the place of its sitting, "by reason of pestilence or any other public calamity, until the cause of such removal shall cease." From the December term, 1838, to the December term, 1848, all

the sessions were held at Springfield; from the December term, 1848, to the October term, 1897, at Mt. Vernon, Ottawa and Springfield, in each of the three grand divisions provided by the constitution of 1848 and recognized by that of 1870. That constitution also required one or more sessions to be held in Chicago each year, until otherwise provided by law, whenever that city or Cook county should provide, without expense to the State, appropriate rooms and the use of a suitable law library. This duty remained until the revision of 1874. There is a tradition that in July or August, 1871, a session was there held under this constitutional provision. If such was the case, the "rooms" and the "library" were destroyed in the great fire of October in that year. The record, if any exists, doubtless is among those of the Northern Grand Division. During a considerable portion of the first thirty years in the history of the State the justices of the Supreme Court were required by law to hold the circuit courts.

One of the facts of history that might somewhat astonish people of this generation is, that for nearly a quarter of a century the salaries of circuit judges were fixed by the constitution at one thousand dollars per annum. Justices of the Supreme Court fared somewhat better at the hands of framers of organic law. They were allowed twelve hundred dollars, "and no more." In this connection it ought never to be forgotten that in those days the honor and the credit of Illinois was at stake. An immense debt, improvidently contracted, rested upon its citizens. That shameful word, "repudiation," had for years been almost on the tongues of many. There was some distrust as to the capacity and ability of the law-making power to meet a great emergency. A constitutional tax was levied solely to discharge just obligations to creditors. Judges and other officers of each department, willingly and patriotically, bore the larger part of the burden along with other tax-payers. Another fact, not less surprising, is, that there was a period of a half century, during the time Illinois has been a State, that its court of last resort was without any one particular place of abode. Its justices literally "rode the circuit," like the *nisi prius* judges and the attorneys of the olden time.

Happily these conditions no longer exist. Their remedy was made possible by the constitution of 1870 and the will of the law-

making power. By the act of the General Assembly approved May 18, 1905, this palatial edifice has been provided for the permanent use of the Supreme Court as well as the Appellate Court for the Third District, the offices of the Attorney General and the State law library. Here will also be the repository of the records of this court, which, with the exception of one early term, have all escaped destruction by casualty and are fully preserved. Much interesting history is contained in the decisions of questions for many years obsolete and of controversies long since determined and gone from memory, as the suitors and their attorneys have passed from life. Some of the romances, some of the tragedies, in the lives of ordinary citizens might be disclosed in musty records that do not appear in the published opinions of the judges. Some of the humors of the law could be found in briefs and arguments of earlier, and indeed of later, times. He who from curiosity should examine the records, judgments and opinions of the past that henceforth may be found here, will find disclosed character and characteristics of able judges and brilliant attorneys and also matters of almost forgotten history.

We can hardly appreciate, in these times, what was involved, ninety years ago, in organizing and putting in operation a State government in so extensive a territory as Illinois. The entire population was then a little less than fifty-five thousand. The people were without much material wealth. Money or currency of any kind was at first scarce. One of the evils early encountered was that currency, such as it was, soon became too plentiful. There were no cities or villages of considerable size or population. The settlements were widely separated, the means of communication between them very primitive, the whole State practically a wilderness. Under such circumstances a constitution was to be adopted and a system of laws for a diverse and widely scattered people to be enacted. It was a great and responsible undertaking, to be performed under serious difficulties.

There were, however, some favorable conditions. The land was rich in its agricultural resources. It was fairly accessible by navigable rivers along most of its borders. The great lake was at its north-east corner. The first brave settlers brought with them a code of unwritten law. It was a priceless heritage from worthy

ancestors, and it is to the credit of those who first came, and to all who have come after them, that it has been preserved. Some mistakes are always made in the building of a State, to be corrected in after years. Some hopeful and some visionary expectations of rapid growth and development, of speedy increase in wealth, must generally be dissipated. Experiments in legislation and in other matters must be made, and some are likely to result in failure. Statutes enacted with care will be found unsuited to the habits, education and conditions of the different peoples that make their home in a new commonwealth; but no well-disposed people will go far or permanently wrong who have for their guidance the accumulated experience and wisdom of centuries that is embodied in our common law.

Illinois is no exception to other States of the Union. History indicates that it has had a very considerable amount of legislation upon many questions, some of which were only pertinent to times and conditions long since past, some are still with us, and others are looming up for future consideration and action. The governmental "ownership of public utilities," "referendum," "waterways and navigable rivers," "banking and currency," are not altogether strangers to either constitutions, statutes or judicial decisions of former years. In the disposition of these questions the judiciary has had a part. History has been made, and history has been and will be repeated. The State still owns a canal. It has built and owned locks and dams and unfinished railroads. Through forms of law it has acquired, by entry from the general government, land for purely speculative purposes. It has made unsuccessful efforts to build up a city within its borders that should outrival one of a sister State, and, indirectly, public funds have been used for this purpose. It was once the owner of a bank of discount and deposit, some of the issues of which were properly held to have been put in circulation by the State itself, while others were adjudged to be its own "bills of credit," prohibited by the Federal constitution. It has been a large stockholder in a bank created and authorized by provision of its own statutes. Its legislative authority once inaugurated at least two systems of banking, over the disapproval of a council of revision and the veto of a Governor. One of them was approved by the people on a referendum vote. It has inaugu-

rated, in the past, an extensive and expensive system of internal improvements from which great revenues were anticipated, and, with some aid from the courts, has recognized the failure and death of the projects. Indeed, it might be said that the State has fairly well demonstrated the superiority of private enterprise over governmental undertaking in the business affairs of its people. It is also probable that an old saying, that "people are best governed who are governed least," finds some support in its past experience.

As somewhat pertinent to recent and perhaps present conditions, it might not be amiss to recall that Illinois once had an only and a purely "asset currency,"—a supposedly "safe currency," based solely upon the bonds of the United States and of the several States of the Union; an "emergency currency," that could be immediately issued under a general law; an "elastic currency," which, when no longer needed, could be as quickly retired as issued, and under inducements much greater than by the compulsion of any tax on circulation, suggested by bills now before the national Congress. The State also had what some people of the country seem to wish for now,—a "central bank of issue and redemption." These systems, and the institutions created under them, still live, but only in memory and in history, or perhaps in anticipation of something similar in the future.

How interesting are the repetitions of history! And how usually do they follow the line of unsuccessful experiments in the past!

When laws are enacted, courts are likely to have the duty of interpreting and construing them. It has therefore so happened that nearly all the legislation on the subjects mentioned have, directly or incidentally, been before this court. Some of the expressions in opinions filed a half century ago almost seem to have been made for this day and generation. The rights of bank depositors have been declared, in words not uncertain or doubtful, by such clear-headed business men and judges as a Caton and a Walker. It was long since declared from this bench, perhaps innocently, that to deny the right of a holder of a check or certificate of deposit to his *money* in the hands of his banker "would destroy the most valuable feature of bank deposits;" that unless a depositor could be accommodated with current funds, and in full, it were "worth no one's while to keep a deposit account;" that

bankers were without right to change express or implied contracts with their depositors of *money* and to pay them in uncurrent bank paper, by proof of "customs or agreements" among themselves. It has even once been said by this court that in the more virtuous days of the republic it was deemed dishonorable to deny a depositor but in a "day of lax principles it was a common occurrence." Such declarations might be out of line with "clearing-house certificates" and "cashiers' checks" not immediately redeemable, but they seem to be sound in law, and it is possible that if some of these old-time and antiquated notions still prevailed, reserves might be better cared for and protected; suspension of payment by banks might not be considered as evidence of solvency; there might be less said about "ultimate safety and security," and there might be less occasion for legislation along former lines, when "reforms" in banking and currency, and in many other matters, are greatly in demand.

But, passing these perhaps unimportant but not uninteresting matters of history, it is not improper to briefly refer to the personnel of justices and attorneys who have been connected with the Supreme Court. It is but just to say that they embrace very many men of great ability, of sterling integrity and undoubted patriotism. The period from 1856 to the adoption of our present constitution was marked by great political excitement. Federal questions of moment, concerning the territories, slavery, the raising of armies, tariffs and reconstruction, continually agitated the nation and the State. Party feeling ran high and party prejudice was but too often exhibited. During all this time the majority and during most of it *all* the justices of the Supreme Court were not in accord, in party allegiance or political faith, with the men who held the executive authority. The absence of friction between these two great departments of government makes brighter the history of our State. Naught else could have been expected from Governors like a Bissell, a Yates, an Oglesby and a Palmer, or from judges like a Caton, a Breese and a Walker. And yet those were all positive men, using, at times, strong language, and always meaning what they said. They were not accustomed to the use of honeyed words. The violent attempt to dismember the national Union, in the early sixties; the forcible seizure of forts and arsenals by insurgents;

the hostile firing upon the flag of the country, were not refined by them into such soft terms as "war between the States." That patriotic judge, John Dean Caton, from the bench of this court characterized such acts as "rebellion in the south" against the government; the other judges, the condition that of "civil war."

Some of the justices of this court have brought to it ripe experience and knowledge from other high official positions and from pursuits and avocations of former life; some an ability acquired in efficient service as judges of other courts; some from long and successful practice at the bar. Not less than six had been soldiers in wars through which the country has passed, and not a few attorneys have seemed to recognize, in the consideration of important legal questions by some of these judges, characteristics of the old spirit, firmness and fearlessness manifested on fields of battle. Two came to the courts after distinguished careers in the Senate of the United States. Some of them left the bench to accept high and honorable positions under the State and general governments; others, by the reduction in the number of the judges under the provisions of the constitution of 1848; others "died in the harness" and ended honorable careers with their lives.

Among the judges and attorneys who have borne a part in the work of this court are many who have been highly honored by this and other States as well as by the nation. Governors, judges, cabinet officers, representatives and presiding officers in both houses of Congress, ministers to foreign countries, judges of Supreme Court of the United States, heads of departments and bureaus of the national government, generals of brigades, divisions and army corps, a President, a Vice-President, have all been taken from their numbers. They were patriotic men, willing faithfully to serve country, ready bravely to fight *for* country. Many who were carried on the rolls of this court have been borne also on the rolls of the armies of the United States. In the Black Hawk war appear the names of Abraham Lincoln, Adam W. Snyder, Sidney Breese, Theophilus W. Smith and Justin Harlan. In the war with Mexico, which resulted in the acquisition of an empire in the west, the names of such Illinois lawyers as William A. Richardson, W. H. L. Wallace, William H. Snyder, Murray F. Tuley, John A. Logan, Stephen G. Hicks, John H. Mulkey, Ferris Forman, Lewis

F. Casey, Edward D. Baker, Nathaniel Niles, Isham N. Haynie, James L. D. Morrison, William Stoker, Hugh Fullerton, Michael K. Lawler, Leonard F. Ross, Richard J. Oglesby, James Shields, John J. Hardin and William H. Bissell may be found on the army rolls. Some returned to resume former avocations; many to respond to future calls of country in subsequent years; some were "numbered with the slain." Hardin went down in the crash of battle at Buena Vista. Bissell won imperishable honor on that same field of glory. He died, the Governor of the State, in the executive mansion near by. Mr. Justice Shields went almost directly from a seat on the bench of this court to uphold the honor of the flag on a foreign soil. In command of a brigade of two Illinois regiments, led by Baker and Forman, he fell desperately wounded, in the battle's front, at Cerro Gordo. His reward was a seat in the United States Senate from three different States; a major general's commission in the great war. Baker, the gifted orator, the brilliant lawyer, the able representative in both houses of Congress from two States, fell at Ball's Bluff. Dougherty shed his blood at Belmont. Logan and William R. Morrison were among the wounded at Donelson. Sheridan Read died at the head of his regiment in the desperate fighting among the cedars at Stone's river. Hicks and Haynie, and the brave and lamented Mr. Justice Phillips, brought from Shiloh the "honorable scars of war." Oglesby carried in his body to the executive office, to the chamber of the United States Senate, to his grave, the leaden missile received at Corinth. Wallace, a general in command of a division in the hornet's nest near the Shiloh church, ended a faithful service to his country with his life. His trophies were a front line firmly maintained during a long day of bloody conflict,—a battle-field held,—an army saved.

The reasonable limits of an address here would hardly contain the names of those on the roll of attorneys a half century ago who led forth companies and regiments of the young men of Illinois to battle for an imperiled government. They made lasting records. I know of none on which there rests a stain.

There is the name of one lawyer very frequently appearing in the proceedings of this court from the December term, 1840, to the January term, 1860. It is that illustrious name, honored by the

civilized world, which appears in your records here and in published reports, simply and modestly, as "A. Lincoln." In the most critical period of our history the people called him from his law office in this city to the highest place in the government. During the period of a long and terrible civil war many of the burdens of the republic were upborne by his shoulders, much of the griefs of his people were carried in his great heart. He lived to see the great object of his later years grandly and successfully accomplished; the armies of the United States triumphant; the glad coming of the days of peace; the national Union preserved; the authority of the general government no longer resisted; that government as free in deed as in name; the flag unsullied. His work nobly done, he passed away and left a nation mourning.

How these memories of the great men of former days, and the great events in which they had important parts, come back to the old members of the bar, who live so much in the past on an occasion like this! As for the present and the future, may I not be pardoned for speaking as layman rather than lawyer? The ordinary citizen has a greater interest in what shall hereafter occur within these walls than judge or attorney. Here will be declared the law,—not only as it is written, but construed, interpreted and enforced according to its spirit. Here will henceforth reside one of the strong arms of the government. One of the brilliant law officers of the State once declared: "There is but one use for law,—but one excuse for government,—the preservation of liberty; to give to each man his own; to secure to the farmer what he produces from the soil; to the mechanic what he invents and makes; to the thinker the right to express his thought."

But it is to the court room rather than to the halls of legislation that the citizen will turn for the preservation of this liberty. In the just judgments of our courts will the sacredness of his valid contracts be inviolate; his rights of property,—whether his savings and accumulations, which we call capital, or the labor of his hand or brain,—be secure. He will find in them a full protection to his personal liberty but no encouragement for license to violate law. The liberty of the citizen, maintained by the courts which shall sit in this building, will be that which is under law and regulated and upheld by law. All else is unworthy the name.

Here will be respected, as it has been in the past, the unwritten law,—not the one, so-called, that would shield the criminal from the just punishment of crime, but the law that enters into every business transaction, and which no legislator or statesman has ever had the ability to fully write in the words of constitutions or statutes. It needs no learned commentator to define it, no palatial building or costly edifice wherein its judgments may be pronounced. Its home is in the human breast. Its domain is conscience. In its operation the individual is at once the legislative, judicial and executive authority. It is the law of prudence, of economy, of business integrity and commercial honor, of square dealing between man and man. It may be difficult or impossible for judge or attorney to anticipate and declare, in advance and in general terms, what this law should be, but there is a serious defect in the education of head and heart of any citizen who, in the given case, is unable to correctly determine not only what it is but what it is not. When distrust prevails and confidence is destroyed; when business men do violence to the dictates of common honesty; when public officials betray their trusts; when layman and lawyer use their ingenuity and ability in efforts to keep within the letter of statutes while wholly disregarding their spirit, it is but evidence of the violation of this unwritten law. When “confidence is restored” and “normal conditions resumed” (to use expressions recently somewhat common) it is evidence, as well, that this law of conscience is being obeyed. In this new home of the Department of Justice, and in this presence, I pay my feeble tribute to the unwritten law of business. Its general observance would lighten the labors of judges and bring to the courts of error and appeal shorter records, briefs and arguments, and undoubtedly result in shorter opinions.

But, notwithstanding all that may be hoped for and all that may be done in the lines of reforms of practice and better and more conscientious methods of business, the work of the courts will be greatly augmented in the future. We cannot shut our eyes to what has come in the past three decades. We ought not to be insensible to present conditions nor to what may be reasonably expected hereafter. Important and serious questions are before the people. The increase of wealth has been unprecedented. Its aggregation and

concentration, in comparatively few hands, have been great. The population of our cities has increased beyond expectation. The army of wage earners and salaried employees is constantly growing in numbers. The great bulk of the distribution of the products of labor is no longer in individual control or management. The relations between capital and labor are daily becoming graver and more delicate. The charity of the State in behalf of its unfortunate and needy wards will be more heavily taxed. Parental government will be more in demand as the years go by, as it ever has been since government was established among men. The legislative authority will be more frequently called upon to invade individual rights of liberty and property under the guise of an exercise of the police powers of the State. Bureaus and boards of commissioners for the administration not merely of charities, but of law, will increase in numbers. Judicial power, which legislatures may not grant, will be given to them, in some cases, by statute; in others, powers which are not given and which they cannot legally have will be assumed and by them attempted to be exercised. This is, perhaps, human nature; it is, at least, history.

It may be asked: In view of changing conditions and circumstances that can neither be altogether anticipated nor provided for in advance but which are sure to come; in view of hasty, inconsiderate and unconstitutional legislation, the creature of times of excitement, unrest and prejudice; where rests the safety and security of the individual citizen, the natural or artificial person? The only answer is: in the courts. The confidence of the people in judges which for a half century they themselves have chosen has not been misplaced. It will not be lost. No citizen in any State with an elective judiciary, with the common law writ of error and the statutory right of appeal, need have apprehension or fear that judicial power will be wrongly, improperly or oppressively exercised.

And now, in conclusion, may I not be permitted, in the name and on behalf of the Illinois State Bar Association, to congratulate this audience and the people of the State, not only upon the completion and occupancy of this building, but also that its care and control has been vested, by law, in the Supreme Court? In custody of such safe and honorable hands may it permanently re-

main, a monument of inspiration to citizens who would "honor our constitution and conscientiously obey the laws of the land." May it never be a sheltering place for anarchy, nor may any who would take the law in his own hands to redress real or fancied wrongs find in the Department of Justice either countenance, approval or justification. May it long stand, in mute condemnation of those who seek license rather than liberty; of the violence of the mob; of every species of force not permissible, not authorized by law.

Mr. Chief Justice Hand, in response to the address of Mr. Wood, said:

It affords me pleasure to express in this presence, on behalf of the individual members of this court, their appreciation of the wise and patriotic action of the executive and legislative departments of the State in providing for and in making the necessary appropriations to procure a site and for the erection of a building thereon, which, when completed, the law provides shall be devoted to the uses of and be occupied by the Supreme Court and the other branches of the department of justice of the State, and shall be under the care, custody and control of the Supreme Court.

The building has now just been completed, and the tender of its care, custody and control to this court, by the chief executive of the State, through James A. Rose, Secretary of State and secretary of the commission, is accepted by the court with great satisfaction, and the court may well congratulate itself upon the fact that it now has a permanent home, which is unsurpassed in beauty and convenience of arrangement by that of any other State Supreme Court building in the United States, and the people of the State may well congratulate themselves upon the fact that they have received a building in exchange for the expenditures made which is worthy of the great State of Illinois, and they are greatly indebted to the commission created to carry out the provisions of the law providing for the location and erection of that building, and especially to the building committee and the State architect, who have had the direct and immediate supervision of the erection and furnishing of the building, for the honest, economical and effective manner in which the commission, the building committee and the State architect have each performed their several obligations to the State.

The State of Illinois now ranks as the third State in the Union and the first in the Mississippi valley, and it is entirely fitting that its court of last resort should be permanently located in a building which comports with the dignity and character of the court and the splendid history and commercial supremacy of the State.

In each of the States of the Union provision has been made by constitutional enactment for a judicial tribunal of last resort, whose decisions, except when a Federal question is involved, are the most authoritative expressions of the interpretation and exposition of the law of the State in which they are rendered. The supreme judicial power of this State, from the organization of the State, has been vested in one Supreme Court. During the existence of the court many very able men have occupied positions upon this bench. Judges Lockwood and Wilson, who served upon the court under the constitution of 1818; Judges Breese, Caton, Walker and Lawrence, who served under the constitution of 1848; and Judges Scholfield, Bailey, Baker, Wilkin and others, who have served under the constitution of 1870, have never had and never will have any superiors upon the supreme bench of this State or upon that of any other State appellate tribunal in this country. They were fearless, tireless, energetic and learned judges; just men, who builded not for the present only, but for the generations who should come after them. They each sought only the right, and when a conclusion was reached they fearlessly pronounced judgment. The judges who have occupied a position in the court have, without exception, so far as I know, fully appreciated the great honor which had been conferred upon them and sought to faithfully perform their duty and administer the law. No lawyer can aspire to a more exalted position than that of judge or have conferred upon him a higher honor than that of being selected to pass upon the differences which may arise between his fellow-men, and by his decisions to mete out even-handed justice between the parties who may submit their causes to him for determination.

Mr. Webster once said: "Justice, sir, is the great interest of man on earth. It is the ligament which holds civilized beings and civilized nations together. Wherever her temple stands, and so long as it is duly honored, there is a foundation for social security, general happiness and the improvement and progress of our race.

And whoever labors on this edifice with usefulness and distinction, whoever clears its foundations, strengthens its pillars, adorns its entablatures or contributes to raise its august dome still higher in the skies, connects himself, in name and fame and character, with that which is and must be as durable as the frame of human society."

The law has greatly developed during the history of the court. Its reported decisions now occupy two hundred and thirty volumes, and a precedent may be found in the Illinois Reports which bears, directly or by analogy, upon almost every case which now reaches that court upon appeal or writ of error. At the time the State was admitted into the Union many changes in the social, material and industrial world were taking place. At that time the country was being settled, landed property was becoming valuable, discoveries were being made in the arts and sciences, steam and electricity were just beginning to be utilized as motive power, railroads and electric telegraphs were being constructed, centers of population established, fortunes accumulated, corporations organized, and out of these changing conditions many questions were pressing for settlement which were finding their way into the court of last resort, and generally they were to be determined as original propositions and settled without the aid of authority; and while many of those questions have apparently been set at rest, it is the experience of the judges of this court that those questions are continually assuming different forms, and new questions are constantly arising in consequence of the commercial spirit of the age and the increased activities of human life. In passing, however, I venture the statement that in the courts of our land to-day, the opinions of no other State court are cited oftener or stand higher as an exposition of the principles of the law than do the opinions of the judges of the Supreme Court of Illinois.

To the judicial department is committed the high prerogative of interpreting and applying the law. While the legislative and executive departments of the government may erect the temples of justice, the judges preside therein. To that department must resort, in all cases of doubt or controversy, be had as the final arbiter of the rights of the people. The life, liberty and property of the citizen hang upon its decisions, and no court should assume

to sit in judgment and dispose of those rights unless the judges who compose it are pure and upright men and possess learning and wisdom and are prepared to follow the law regardless of all consequences to themselves, for in no other way can the law be vindicated. It has been well said of the character of him who would occupy a position upon the bench: "He has no place in the judiciary who is not prepared to follow the law and to administer it without fear or favor, regardless of consequences to himself; for in this way only may he vindicate the oath of office which he takes and fulfill the most sacred of public trusts, for it reaches every avenue and every relation of life, is all-powerful to prevent evils, powerless to promote them, for it is itself the creature of law and cannot go outside of its sphere."

In the administration of justice the judiciary should not stand alone as a bulwark against the oppression of the citizen by the State, but it is equally its duty to see to it that the guilty are punished, without fear or favor. It must ever be a shield to the defenseless against the aggressions of the powerful, and while the poor man must not be deprived of his rights, the rich man must not be dealt with unfairly. All men must stand on an equality before the law. The courts are established to enforce the law, and justice must be meted out therein alike to all.

Thus far in the history of our State the people have placed their full confidence in the courts. If the decisions of those tribunals are ever controlled by considerations other than a just and proper interpretation and application of the settled law of the State, that confidence will not long remain, and when once lost it will not readily be regained. To that end the judiciary should not encroach upon the domain of the legislative or executive branches of the State, and it should not tamely submit to be shorn by either of its lawful powers. The liberties of the people can only be preserved by the enforcement of the constitution and the laws by a strong and impartial court.

The judges of our courts are recruited from the bar. The learning, the integrity and the courage of the courts must therefore be drawn from that source. If the bar of our State ever becomes servile and venal, so will soon become the judges of our courts. The history of our country shows that the most devoted champions

of liberty and the strongest defenders of the rights of the people have been its lawyers. In the early time, when the mother country sought to trample upon the rights of the American colonies, in the face of the pampered puppets of royalty and in the presence of armed soldiers, John Adams, Patrick Henry, and the entire American bar, proclaimed and defended the rights of the people. The Declaration of Independence, the constitution of the United States, the three constitutions of this State, and the great text books of the law, are the handiwork of lawyers. The great opinions handed down by our judges, both State and national, are often but a reflex of the research and learning of the lawyers employed and of the arguments and conclusions embodied in their briefs. In the able address to which we have listened, by the honored representative of the Illinois State Bar Association, the names of some of the great lawyers who have practiced their profession in the courts of this State have been mentioned, and many others equally able might be mentioned. The roll, however, is too long to be here called. Suffice it to say, that Illinois has had heretofore, and now has, a bar which is unexcelled for its honesty, its intelligence and its courage.

In conclusion, I desire to thank the officers and members of the Illinois State Bar Association for their presence on this occasion **and** for their participation in the exercises of the hour.

PRESENTATION OF PORTRAIT.

At the conclusion of the dedicatory exercises proper, Hon. James A. Connolly, of the Springfield bar, arose and addressed the court:

May it please the court—The first session of this court was held at Kaskaskia, amid primitive surroundings, in December, 1819, by Thomas C. Browne, John Reynolds and William Wilson, associate justices, the chief justice, Joseph Phillips, being absent. The court held but two sessions at Kaskaskia—the December term, 1819, and the July term, 1820, during which term it rendered only five opinions which are reported. By the next term, December,

1820, the court had removed to the new capital at Vandalia, where it continued to hold a December and June term each year until, the court having again removed with the State capital, the July term, 1839, which was the first term held at Springfield, the legislature in March, 1839, having changed the summer term from June to July, but it was changed back again to June, in February, 1840, so that there were never but two terms of this court held in July,—one at Kaskaskia and one at Springfield.

During the first eleven years of its existence none of the opinions of the court were published. Manifestly, in those days the court and bar had to acquire legal wind and muscle by browsing among the "horn books," rather than grow fat and lazy by feeding upon the abundant forage of "decided cases." During that eleven years there were 145 opinions of the court. That included all the opinions except those of the year 1821, which were lost by "the burning of the bank house where the records of the Supreme Court were kept." The present court renders opinions in three times as many cases each year.

The first volume of opinions by this court, collected and published by Sidney Breese, afterwards for long time a distinguished member of this court, was given to the public in 1831 on his own responsibility, without appointment by the court, but with a certificate from the judges that they "find the cases contained therein are generally, in substance, correctly taken and reported."

For a further period of eight years, until July, 1839, this court had no reporter. Then J. Young Scammon was appointed to that office. During this interval of eight years some of the opinions were printed by a gentleman named Walters, with annotations and syllabi by Col. Forman, of Vandalia. But this was a private enterprise, and the opinions so published were cited for a time, but after the publication of the first volume of Scammon's Reports the Walters volume dropped out of notice and became a literary legal mummy, worthy only of the attention of the legal antiquarian. The first volume of Judge Scammon was carried back to the December term, 1832, thus covering the opinions between the close of Judge Breese's volume, in 1831, and Judge Scammon's appointment, in 1839, so saving to the profession the opinions for the space of eight years during which there had been no reporter.

Judge Scammon reported four volumes of opinions, cited as "Scammon," and resigned, being succeeded by Charles Gilman, of Quincy, who was appointed reporter January 30, 1845, while the December term, 1844, was in session at Springfield, and his reports begin with the opinions rendered at that term. He reported and published four complete volumes, and died suddenly of cholera, July 24, 1849, with the fifth volume incomplete, and it was completed by Charles B. Lawrence, afterwards a distinguished member of the court, but the five volumes are styled "Gilman's Reports," and are so cited. The fourth volume of his reports completes the publication of the decisions of the court under its organization up to the adoption of the constitution of 1848, which organized the court and started it on its strolling sessions from Springfield to Mt. Vernon, and thence to Ottawa,—a judicial "merry-go-round" which lasted for the next half century. The fourth volume of Gilman concludes the opinions by the old court at the December term, 1847, held at Springfield, and his fifth volume begins the decisions of the new court under the constitution of 1848, at the first term held at Mt. Vernon in December, there having been no summer term of the court in 1848, the first and only time such term was missed since the organization of the court, in 1819. His fifth volume also contains the opinions of the first term at Ottawa, in June, 1849.

Gilman was succeeded as reporter by Ebenezer Peck, who had been clerk of the court, and as there had been ten volumes of reports which had been designated by the names of the reporters, as Breese, or Scammon, or Gilman, the first volume of Peck was designated as "Illinois Reports," which very sensible designation has since been continued. Mr. Peck published twenty volumes of opinions, from Vol. 11 Illinois Reports to Vol. 30, inclusive. He resigned as reporter at the April term, 1863, to accept appointment as judge of the newly created Federal court of claims.

Norman Leslie Freeman was appointed reporter at that same term, and he continued as reporter until death ended his faithful labor, on August 23, 1894. Vol. 31 Illinois Reports was the first volume he published, and death overtook him while preparing Vol. 151 for the printer, this last volume being completed by his son, William R. Freeman, and by W. H. Manier and E. S. Smith,

Esqs. Mr. Freeman ably, faithfully, quietly, devotedly, served the court over thirty-one years as its reporter and gave to the profession 121 volumes of its opinions. This is believed to be the longest period of time any reporter served a court and the largest number of volumes ever published by any reporter. Were there nothing else, this alone would give Mr. Freeman marked distinction. But length of service and number of volumes are by no means all. His care in indexing, his accurate, discriminating syllabi, the exact proof-reading and general neatness of print and books soon made the Illinois Reports a delight to the profession, and with the growing variety of questions decided by the court soon gave the Illinois Reports a warm welcome in the law libraries of all the other States.

About a year after Mr. Freeman became reporter chief justice John D. Caton resigned after twenty-three years of distinguished service on this bench. In his valedictory address Judge Caton said: "When I first became a member of this court we had but three volumes of reports; now we have thirty. Then we had but few precedents by our own courts, and the responsibility devolved on us to establish precedents for our successors." So with Freeman. When he became reporter he had but few precedents; he had to establish them. His thirty-one years of service were years of herculean labors for the court in exploring the new questions which the wonderfully rapid settling up of the State, the great increase of commerce and manufactures and the marvelous growth of the great city on the lake crowded into the court in constantly increasing numbers, so that they were years of steadily increasing toil for the court as well as the reporter, and it is amazing now to look back upon the labors of those years, especially as the court had no particular abiding place,—no home,—but was compelled to move about between Mt. Vernon, Springfield and Ottawa. His relations with the court and its high regard for him are fully set forth in the memorial address of Judge John M. Scott, for many years a judge of this court, delivered before this court, and spread upon its records, on the occasion of Mr. Freeman's death, to be found in Vol. 151 of Illinois Reports.

He was above suspicion of wrong, and in all the years of his confidential connection with the court no word or act of his evoked the slightest criticism. His personal relations with the bar were

of the most genial, cordial, delightful character. He loved the court and the association of lawyers, and his generous home in Springfield had open welcome, at all times, for lawyers, who there found real hospitality. He was a most kindly, lovable man. He was born in the State of New York in 1823, descended from good old New England families, his mother being a cousin of Horace Greely. He came to Illinois in 1851. He first appeared as attorney in this court in several cases at the November term, 1852. In 1856 he published, in two volumes, the first digest of Illinois Reports, which, although it was a pioneer work, was so complete and satisfactory to the profession that it is fair to say it has not been excelled by any of its numerous successors, for which it served as a model.

In 1861 he prepared and published a volume on "Illinois Forms, Pleading and Practice," which I remember well as the first book on these topics I ever saw. He proposed that this work should consist of two volumes, the first of which was published in 1861, and while he was preparing the second volume he was appointed reporter of this court, which caused him to suspend work on his second volume and so left his original project incomplete; but the young lawyer of this day will find this one volume a very helpful aid, and it holds an honored place in my library to-day as a respected friend of my early professional days, to which is added the aroma of warm friendship for the kindly author, acquired in my later years of personal contact with him and knowledge of his unostentatious merit, his kindly heart and genial presence. His professional devotion and industry are manifest when we consider that he began his digest while a young lawyer and when there were only about fifteen volumes of Illinois Reports issued, followed up by his volume on "Illinois Forms and Practice," when there were but twenty-five volumes of Illinois Reports for his guidance.

His talents were not of the brilliant, showy kind. They were solid. His professional footprints were not made in sand, but were left behind him in enduring form, to lighten the labors and guide the footsteps of his professional brethren.

Now that this court, after its long years of wandering, has a roof and home of its own, where it may gather its "lares and penates," what more fitting thing may it do than adorn its walls

with the portraits of those of the distinguished dead who in their days of activity laid solid the foundations for the high respect and integrity which the world accords it? The portrait galleries of the world link the illustrious dead with the living present and bring to mind their work and surroundings more vividly than the printed page. We view them through the nimbus of their well-earned fame and they stimulate us with the fragrance of the splendid past. Therefore let us hope that the walls of this new temple of justice,—this permanent home of this honorable court,—may be adorned with the portraits of all the worthies who have occupied that bench, and of all the faithful reporters who have ushered its opinions, in such goodly form, before the professional world.

May it please the court, to this end Mrs. Elizabeth Freeman Doyle, daughter of your late reporter, Norman Leslie Freeman, has caused this faithful portrait of her father to be painted by Beppino Del Chiappi, of Florence, Italy, and commissioned me to present it to this court in her name, and ask the court that it may be given honorable place in this temple of justice, as a memorial of a life faithfully, intelligently devoted to the service of this honorable court and the legal profession.

The Chief Justice, in response, said :

The members of this court fully endorse all that has been said by Major Connolly relative to the life and public services of Hon. Norman L. Freeman. The esteem in which he was held by the judges who served upon this bench while he acted as the official reporter of the court is attested by the fact that he was re-appointed again and again. The portrait of this distinguished man, which has been presented to the court by a member of his family, will be received into the custody of the court and given an appropriate place upon the walls of this building.

Mr. George T. Page, of the Peoria bar, then said :

May it please the court—As has been said here this morning, the time is within the memory of almost every one when this court had no judicial home worthy of mention. We find ourselves to-day celebrating the completion of this beautiful, convenient and commodious home that has been built at an expense of nearly half

a million dollars, without a suspicion of jobbery on the part of anyone. This occasion is one, for these reasons, of which we may all feel proud. This occasion and this presence is one that ought to have a strong influence, not only upon the court but on every member of the bar who shall have the privilege and the opportunity to come before the court in this building. It is very fitting, therefore, that we preserve, so far as we can, every remembrance of this occasion, and I therefore move that it be the order of this court that these proceedings be spread upon the records of the court and published in the official volumes.

The Chief Justice—The motion of Mr. Page will be allowed. The clerk will make a record of the proceedings of the hour and the official reporter will incorporate them in the published Reports.

The court then took a recess until four o'clock P. M.