WANDERER NO MORE.

End Put to the Travels of the Illinois Supreme Court.

SPRINGFIELD ITS HOME.

Since 1818 It Has Been Straggling About the State.

DRAWBACKS OF OLD SYSTEM

Justices and Records Were Continually on the Move.

ERROR AND DELAY WERE COMMON.

No longer will the Supreme Court of the State of Illinois, with the goods and chattels pertaining to the conducting of its business, wander about the territory over which its jurisdiction extends. For seventy-nine years—ever since its creation in 1818—it has done this. With its books and records, it has straggled from Ottawa to Mount Vernon and from Mount Vernon to Springfield, twice round the State in every year. The dignified Justices have traveled from town to town like patent medicine men, with legal lore instead of nostrums for distribution. With them have gone all the documents and multifarious papers which the administration of the law finds necessary—until the Supreme Court has earned for itself the name of the "Court on Wheels." But the State Legislature has changed all that.

April 1—a most inappropriate day for the institution of a needed reform—the Legislature decided that the Supreme Court had spent time enough on its wanderings; that to the journeys of the Justices and the records a period should be put. The bar to further wandering took the form of a bill, the first two sections of which tell the story:

Sec. 1. That for the purpose of holding the terms of the Supreme Court and the election of a clerk of said court the State shall constitute one (1) grand division.

Sec. 2. The terms of the Supreme Court shall be held in the place provided therefor, at the City of Springfield, as follows: On the first Tuesday in October, December, February, April, and June of each year.

Friday, April 2, Gov. Tanner signed the bill, and the last necessary step toward giving the Supreme Court a home was completed. The bill was presented to the Governor by Representative Miller of Cook County, who had introduced it and labored hard for its passage. After signing, the Governor presented the pen which he had used to Mr. Miller.

From now on the Supreme Court is to have a permanent habitation. Its peripatetic character will be lost, and instead of the somewhat undignified spectacle of the highest legal tribunal of the State, with all its bag and baggage, "chasing up" the litigants, there will be another—the Supreme Court fittingly established in the State capital, waiting for litigants to come to it.

That the change will be for the better is not the slightest shadow of a doubt. It has long been felt necessary, but it has been slow in coming. Indeed, in this respect, Illinois has been called considerably behind the times. In Wisconsin the Supreme Court, after for a number of years traveling from place to place, settled in Madison. In Michigan the court is always held at Lansing. In Indiana the court sits at Indianapolis. And in Iowa the sessions are held at Des Moines. But in Illinois it has stuck to its old method, though it combined the objections of endless journeying for the Justices and continual packing and shipping of documents.

Method Useful in the Early Days.

In 1818, when the Constitution then adopted provided that "the judicial powers of the State should be vested in a Supreme Court and such inferior courts as the Legislature might create," there was reason enough why the courts should move about the State. Travel in those days was a matter of time and difficulty. Adequate transportation of any sort there was not. Good roads were curiosities, and it was not only convenient but necessary that the courts should meet the attorneys and litigants half-way. Furthermore, the Justices then had to hold Circuit Courts in the several counties. There was less work, too, and the records were neither so many nor so cumbersome. And the Justices were not so hurried at their sessions and had not so many documents to study, or so many opinions to write.

Later, in 1841, after Circuit Judges had been appointed and again legislated out of office, the same reasons still held good. Even in 1848, when the number of Justices after being raised to nine was decreased to three, it perhaps seemed more convenient for the court rather than the litigants and attorneys to move, but at a later date the bottom, little by little, had fallen out of all the arguments formerly applicable. The old days of circuit riding and the "saddlebag" Circuit Judges were gone. The good-natured, quick-witted, story-telling crowd of Judges and attorneys, who spent their time half on horseback, half in the towns where court was being held, had taken to new ways and methods. But the Supreme Court, though taking advantage, as was natural, of improved means for transportation and the conducting of business, still held to the ways of its fathers and journeyed as religiously from place to place as though it were still saving attorneys and litigants miles of weary horseback travel across the Illinois prairies.

History of the Supreme Court.

The Supreme Court of Illinois, as created by the Constitution of 1818, first consisted of the Chief Justice and three Associated Justices who were selected by joint ballot of the General Assembly and commissioned by the Governor. From 1818 until Dec. 29, 1824, the Justices were obliged to hold Circuit Courts in the various counties, and during that time the following were appointed Justices, each new appointment after the first four signifying the expiration of the term of office or the resignation of a previously appointed Justice:

Joseph Phillips	Appointed Oct. 9, 1818
Thomas C. Brown	Appointed Oct. 9, 1818
William P. Foster	Appointed Oct. 9, 1818
John Reynolds	Appointed July 7, 1819
William Wilson	Appointed July 1819
Thomas Reynolds	Appointed Aug. 31, 1822

Dec. 29, 1824, the Legislature relieved the Supreme Court Justices of Circuit Court duties, and for a little over two years the members of the higher court had a comparatively easy time of it. Jan. 12, 1827, however, they were again given Circuit Court duties to perform, and were not again relieved of them until Jan. 7, 1835, though a Circuit Court Judge was appointed Jan. 4, 1829, to assist in the work, and another was added Jan. 23. Between 1824 and 1835 but two Justices of the Supreme Court were appointed—Samuel D. Lockwood, Jan. 19, 1825, Theophilus W. Smith, Jan. 19, 1825.

In 1841 the court was increased to nine members, and the Circuit Court duties from which they had been freed in 1835 were again required of them. Between that time and 1848, when the court was reduced to three members and given a nine-year term of office, there were many changes. The appointments made were as follows:

Sydney Breese	Feb. 10, 1841
Walter B. Scates	Feb. 10, 1841
Stephen A. Douglas	Feb. 10, 1841
Theophilus W. Smith	Feb. 10, 1841
Samuel H. Treat	Feb. 10, 1841
Thomas Ford	Feb. 10, 1841
John D. Caton	Aug. 27, 1842
James Semple	Jan. 10, 1843
Richard M. Young	Feb. 4, 1843
John M. Robinson	March 6, 1843
John D. Caton	May 2, 1843
Jesse B. Thomas	Aug. 6, 1843
James Shields	Aug. 16, 1843
Gustavus P. Koerner	April 2, 1845
Gustavus A. Koerner	April 2, 1845
William A. Dunning	Jan. 18, 1847
Jesse B. Thomas	Jan. 27, 1847

First Election of Justices.

Under the Constitution of 1848 the first election of Justices of the Supreme Court was held. It took place Sept. 4, 1849, and

Samuel H. Treat, John D. Caton, and Lyman Trumbull, the first two of whom were then on the bench were elected. Between 1848 and 1870, when the court was increased to seven members under the new Constitution, the following Justices were elected:

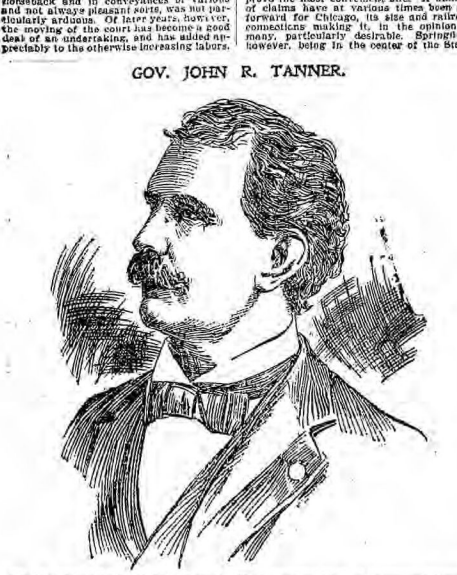
Lyman Trumbull	Sept. 4, 1848
Walter B. Scates	July 4, 1853
Gales Skinner	August 8, 1854
Pinckney H. Walker	July 6, 1855
Corydon Beckwith	Aug. 8, 1864
Charles B. Lawrence	June 6, 1865
Sidney Breese	June 6, 1867

Since the adoption of the Constitution of July 2, 1870, the number of Justices has been seven, and the following have held the office:

Anthony Thornton,	Thos. G. Townsend,
John M. Scholfield,	Simeon P. Shope,
Benjamin R. Sheldon,	Benjamin D. Alexander,
William K. McAllister,	Joseph M. Wilson,
John Scholfield,	Joseph M. Bailey,
Alfred M. Craig,	James H. Cartwright,
W. Lyle Dickey,	Jesse J. Phillips,
David J. Baker,	Joseph N. Carter,
John H. Mulkey.	

In the earlier days the duty of the Justices, though attended by considerable travel on horseback and in conveyances of various and not always pleasant sorts, was not particularly arduous. Of later years, however, the moving of the court has become a good deal of an undertaking, and has added appreciably to the otherwise increasing labors.

GOV. JOHN R. TANNER.



He Has Signed the Bill Which Gives the Illinois Supreme Court a Permanent Home.

The court, according to the system, met in March and September at Ottawa, in January and June at Springfield, and in May and November at Mount Vernon. In going to and from their homes, situated in various parts of the State, and the sessions of the court each Justice made twelve trips a year, or eighty-four trips in all. In addition to this a custom of going home at the second week of the two Ottawa sessions and of the January session at Springfield had grown up. This made forty-two trips more, a total of 126 trips for the Justices each year.

The distance traveled by the court records was even greater. To start, for example, from the September term at Ottawa. The cases presented were considered, decided, and court adjourned. Then the journeying of the records was begun. Seven boxes, each containing one-seventh of the cases decided, were packed and shipped to the seven Justices. Each Justice studied the briefs, abstract, and record of the cases assigned to him, and wrote out his reasons for the decision of the court.

Records Made 154 Trips.

The next session of the court was in Mount Vernon, in November, and each Justice packed his written opinions and shipped them to that place, to be discussed by the entire bench. There they were again packed and shipped back to Ottawa, where they belonged. This made three trips for the papers in each and every case before the opinion was recorded. As there are six sessions of the court each year, the papers of each Justice made eighteen trips before being properly recorded at the place where the case was begun. The total of trips by the papers of all the Justices was then the same as that of the journeys made by the Justices themselves. But all decisions recorded at Ottawa and Mount Vernon were also incorporated in the official report of the court reporter at Springfield. Twice a year they were shipped to him from these places and again returned, making eight trips more, or a total of 154 separate packings and shippings of court records.

The time of the Justices has commonly been divided about as follows: They met at 8 o'clock in the morning and considered motions until 9 o'clock. From 9 till 12 and from 2 to 5 they were on the bench or engaged in the conference room. At 7 o'clock in the evening they again entered the conference room and were at work until 9 or 10 o'clock at night.

Under these conditions the difficulties experienced with the "migratory" court are obvious. From the train the Justices entered almost directly into the court-room. From the court-room they hastened to the train. The conditions were hardly those conducive to successful deliberation of knotty problems. Moreover, the records were often difficult of access or too far away to be consulted. It is hardly a wonder that the decisions of the Supreme Court of Illinois show remarkable and puzzling features. The court did not seem to know its own mind. It at times as good as "reversed" itself, delivering diametrically opposed decisions upon two cases involving the same points. Delays and confusion were inevitable. Indeed, it would be hard to find a much better scheme for hampering the court's efficiency.

In defense of the system there was nothing which in the present day could be urged. It used to be claimed that the State had valuable properties at Ottawa and Mount Vernon which, if the court were established in Springfield, would become useless. At the time this had force. But the buildings and libraries in those places will now be of use to the Appellate Courts which meet there.

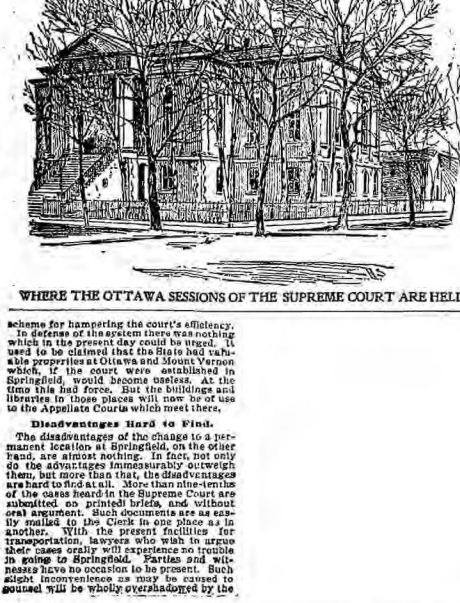
Disadvantages Hard to Find.

The disadvantages of the change to a permanent location at Springfield, on the other hand, are almost nothing. In fact, not only do the advantages immeasurably outweigh them, but more than that, the disadvantages are hard to find at all. More than nine-tenths of the cases heard in the Supreme Court are submitted on printed briefs, and without oral argument. Such documents are as easily mailed to the Clerk in one place as in another. With the present facilities for transportation, lawyers who wish to argue their cases orally will experience no trouble in going to Springfield. Parties and witnesses have no occasion to be present. Such slight inconvenience as may be caused to counsel will be wholly overshadowed by the increased efficiency of the court. The actual opinion under the old method, according to the opinions of many lawyers, seldom represented the combined wisdom of the court. The hand of the Justice to whom the case had been turned over to write the opinion was commonly evident, and with a peripatetic court this could not be avoided.

But however great the obvious advantages of the change, its consummation has been a matter of much time and debate, and the occasion of more than a little contest. Since the '60s the question has served as a fruitful cause of jealousy among the three cities where the court had been accustomed to meet, and through them among the three parts into which the State has been divided—the Southern, Central, and Northern Grand Divisions.

Every move to make any one of the three cities the permanent home of the Supreme Court has been met by strenuous objections from the two others, and all propositions of the sort have been attended by more or less debate as to what part of the State would prove the most convenient site. A number of claims have at various times been put forward for Chicago, its size and railroad connections making it, in the opinion of many, particularly desirable. Springfield, however, being in the center of the State, the State capital, and easily accessible from almost any point, has had most adherents.

In the contest which has ended in the choice of Springfield there has been engaged at one time and another a large part of the legal and legislative talent which the State has produced. The decision last Thursday has, however, settled the matter, and is generally satisfactory, though Ottawa and Mount Vernon fought it to the last.



WHERE THE OTTAWA SESSIONS OF THE SUPREME COURT ARE HELD.