

In Memoriam

John Todd Shelby



A Tribute

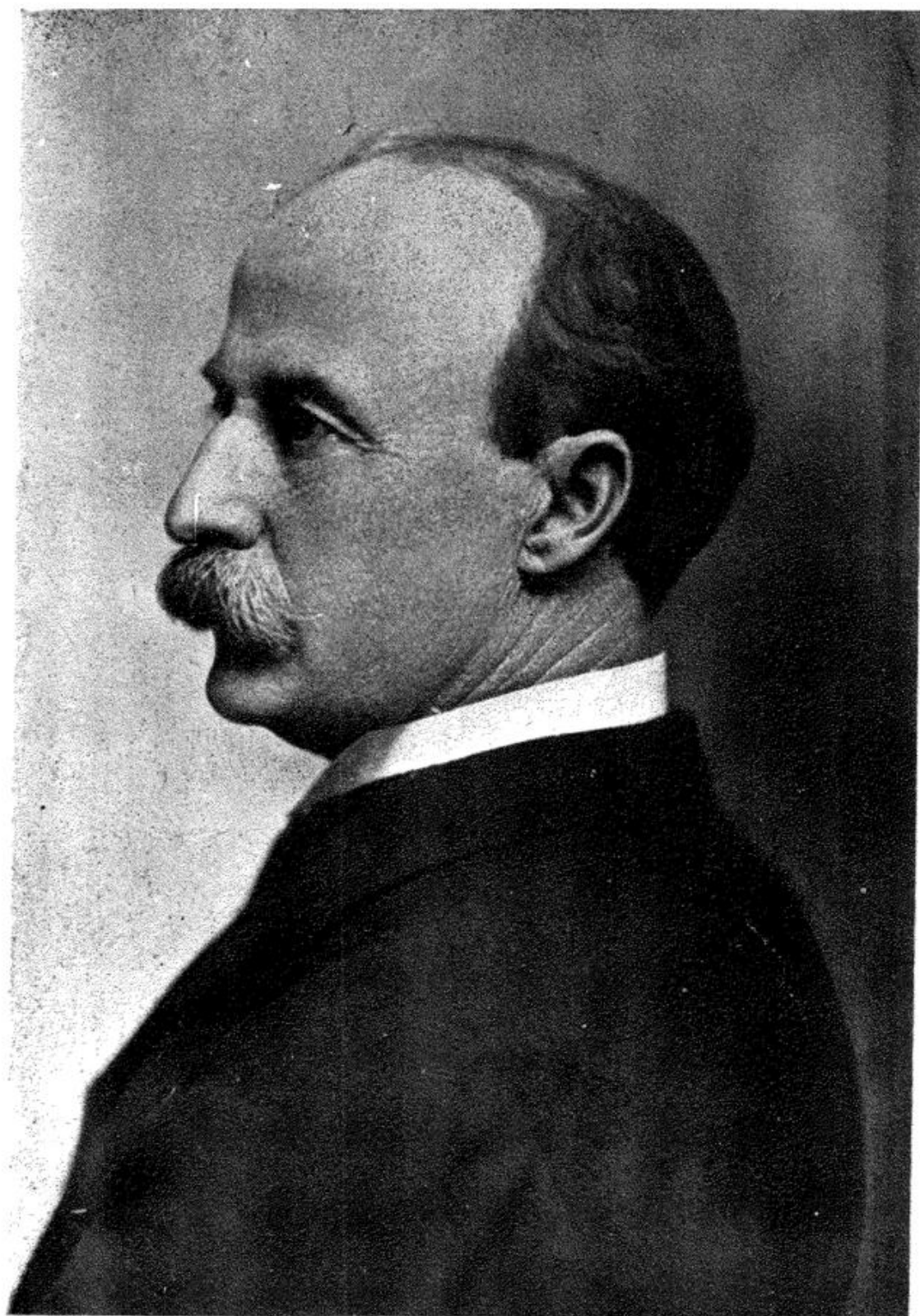
By the

Lexington Bar



Lexington, Kentucky

1920



Geo. S. Sherry

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IN MEMORIAM

PROCEEDINGS OF THE LEXINGTON BAR

AND

CERTAIN MEMORIAL RESOLUTIONS

ADOPTED

ON THE OCCASION OF THE DEATH

OF

JOHN TODD SHELBY

Mors janua vitae

Lexington, Kentucky
1920

NOTE.

JOHN TODD SHELBY, who died at his home in the City of Lexington, on Tuesday, March 2, 1920, in the 70th year of his age and on the forty-eighth anniversary of his admission, when a youth of twenty-one, to the Fayette County Bar, ranked with the greatest who have honored and adorned the legal profession in Kentucky.

This record of the proceedings had and the resolutions adopted upon the occasion of his death is presented to his friends and fellow-members of the Bar as a slight tribute of respect by the Association of the Bar of the City of Lexington.

HOMAGE TO THE DEAD

“In the loving bosom of his mother-land, Kentucky, his body lies, and there his brain and heart will moulder into dust and become a part of her; but his influence lives after him, and will be eternal. Always the past is the lawgiver of the present and the future. The past of Kentucky has been great, illustrious, and fortunate. Her future will be no less so, if, standing upon the old ways, she thence makes progress, obeying the legislation which the past has enacted for her in the wise thoughts, the great examples, and the beneficent influences of the generous and gallant sons who have lived and died in her service, crowning her with honor and glory.”

IN MEMORIAM.

(From the *Lexington Herald* of Wednesday, March 3, 1920.)

JOHN TODD SHELBY DIES AT HOME HERE TUESDAY EVENING.

Day Forty-Eighth Anniversary of Admission to
Fayette County Bar.

HAD STATEWIDE REPUTATION.

Life intertwined With History of Central Kentucky.

John T. Shelby died at his residence at 4 o'clock Tuesday afternoon, March 2, 1920, forty-eight years to a day from the day he was admitted to the bar, a youth of 21. He had been ill since February 14th, though not in good health for some years. A full history of his life would be an accurate account of the chief events and most notable trials in the Blue Grass from the date of his admission to the bar, March 2, 1872, to the day of his death, March 2, 1920. By birth and family connections he was intimately associated with those who played a dominant part in the political, financial, agricultural and social life of Kentucky. When little more than a lad he married the sweetheart of his childhood days and upon the attainment of his majority began the practice of

his profession in Lexington, where he spent his life and did his work, resisting all temptations, no matter how flattering the offers, to leave Kentucky, or even go from Lexington to Louisville. He quickly won conspicuity in the law, meeting with success the great men who gave fame to the Lexington bar in the last century.

Gifted with a mind of marvelous lucidity, educated with great care, trained to think and to labor, from the first he was recognized as among the ablest lawyers in Central Kentucky. There were few notable cases in which his services were not engaged, few public movements in which he was not influential, the mere fact of his support of a man or advocacy of a principle having weight because of his lofty character and pure ideals. He never sought public office—never evinced nor cherished selfish ambitions. But there was no movement, no project of value to his community or his State in which he did not have interest.

Mr. Shelby was for nearly thirty years a member of Christ Church Cathedral and had been a member of the vestry for many years. He was senior warden of the Cathedral from 1907 until his death.

November 7, 1872, Mr. Shelby was married at Christ Church, St. Louis, Mo., to Miss Lizzie M. Craig, of that city, who was born near Ghent, Ky., and who had spent much of her girlhood in the Walnut Hill neighborhood of Fayette County, not far from the home of Mr. Shelby's father. To this marriage were born four children, Thomas Hart, Francis Todd, John Craig and Christine. The second child, Francis, died in infancy. Mrs. Shelby died in Lexington on December 12, 1917.

Besides his two sons, Thomas Hart and John Craig Shelby, and daughter, Christine Shelby, Mr. Shelby is survived by a grandson, John Todd Shelby, II., son of Thomas Hart Shelby; three half-brothers, Thomas H. Shelby, Lexington; Wallace M. Shelby, Fayette County; Edmund B. Shelby, Charlotte, N. C., and eight half-sisters, Miss Mary C. Shelby, Lexington; Mrs. Charles B. Post, Kingston, N. Y.; Mrs. Fanny S. Matthews, Mrs. W. P. Richardson, and Miss Florence Shelby, Lexington; Mrs. Hugh Riddell, Irvine, Ky.; Mrs. Kate S. Scott, of Lexington, and Miss Willie Shelby, Charlotte, N. C.

The funeral services will be held at Christ Church Cathedral Thursday afternoon, March 4, at 3 o'clock.

The following brief sketch gives the salient facts about Mr. Shelby:

John Todd Shelby, the son of Major Thomas Hart and Frances Todd Shelby, was born in Springfield, Ill., January 25, 1851, while his mother was visiting the home of her parents, Dr. and Mrs. John Todd, his mother giving her life for his, dying within a week of his birth. He was reared in Kentucky, and educated at Centre College, Danville; Kentucky University (now Transylvania College), and at Princeton, from which he was graduated with high honor in 1870, one of the youngest men in his class, and received from Princeton the A. M. degree in 1873. Later in life he was given the degree of Doctor of Laws by the University of Kentucky.

He was admitted to the bar in Fayette county in 1872, and formed a partnership with Judge J. Soule Smith, one of the most famous wits and raconteurs who ever practiced in the Kentucky courts. In 1875 there was a partnership formed between Mr. Shelby

and W. C. P. Breckinridge, which lasted until the death of Colonel Breckinridge in 1904. During the greater part of that partnership Fayette was joined with other counties in a circuit, and the olden custom of lawyers at different bars practicing in the courts of different counties was followed by Mr. Shelby, who won first State-wide and then national reputation as one of the most erudite, clear-thinking members of the American bar.

After the death of Colonel Breckinridge, Mr. Shelby practiced alone until 1907, when with his son, J. Craig Shelby, just graduated from the Harvard Law School, he formed the firm of Shelby & Shelby. R. L. Northcutt was taken into the firm in 1910 and in 1913 the firm name was changed to Shelby, Northcutt & Shelby. This firm has maintained the highest traditions of the profession, has been representative of the strictest ethics and stood at the very forefront of the law firms of Kentucky.

In politics Mr. Shelby was a Republican, though a member of the Democratic party until the first McKinley-Bryan campaign in 1896. For three years, during the administration of Governor Augustus E. Willson, he was the Republican member of the State Election Commission.

As a lawyer Mr. Shelby ranked with the greatest who have graced the bar of Kentucky. First of all a gentleman, courageous, high-minded, dutiful, he carried into the practice of his chosen profession the lofty courtesy that marked his social as it distinguished his professional life. Though always taking an active interest in public affairs, he never sought nor would he ever accept public office for himself save in temporary discharge of obligations to others.

**FAYETTE BAR ASSOCIATION TO
HONOR SHELBY MEMORY.**

Members of the Fayette County Bar Association will meet Thursday morning at 11 o'clock in the circuit courtroom to hear resolutions on the death of John T. Shelby, for years a leading member of the association, and to arrange to attend the funeral in the afternoon, it was announced last night by Judge Charles Kerr. All lawyers here are expected to be present.

The following committees were named: Resolutions, Judge J. D. Hunt, Major D. G. Falconer, Major Samuel M. Wilson, Colonel John R. Allen, E. L. Hutchinson, W. P. Kimball, George C. Webb; Floral Designs, J. N. Elliott, J. P. Johnston, and Samuel S. Yantis.

BAR PROCEEDINGS.

At a meeting of the Lexington and Fayette County Bar Association, held in the Circuit Court room on the morning of Thursday, March 4th, 1920, Judge Kerr presiding, the following resolutions, reported by the committee, which had been appointed for the purpose, were unanimously adopted:

RESOLUTIONS.

It is with unfeigned sorrow that this Bar is called upon to record the death of Honorable John Todd Shelby, one of its oldest, ablest, and most distinguished members. The Lexington Bar has seldom sustained a heavier loss than that occasioned by this bereavement, which occurred in this city on the afternoon of Tuesday, the 2d of March, 1920.

For several months past, Mr. Shelby's health had been such as to cause anxiety to his friends, but it was fervently hoped that his condition might not become critical and that his exemplary and useful life might be spared to his family and friends for many years to come.

While it cannot be said that he was ever endowed with a robust constitution, yet his nervous energy and exceptional will power enabled him always to carry through a prodigious amount of labor, and the vigor of his intellect was always such as to deceive even those who knew him best as to the limits of his physical strength.

John Todd Shelby, the eldest son and only child of Thomas Hart Shelby and his first wife, Frances Stuart Todd, was born in Springfield, Illinois, on

January 25th, 1851, while his mother was on a visit to the home of her parents, Dr. and Mrs. John Todd. His mother having died very shortly after his birth, Mr. Shelby returned with his father to Kentucky, and grew to manhood at his ancestral home, "Belair," a beautiful country seat in the Walnut Hill section of Fayette County.

His preparatory education was obtained in the schools of Lexington and Fayette County. During the years 1866-67 he attended Centre College, of Danville, and through the collegiate session of 1867-68 was a student in Kentucky University (now Transylvania College), in Lexington. In the fall of 1868 he entered the College of New Jersey, at Princeton, and two years later graduated from that institution as a member of the class of 1870. Although among the youngest members of his class, he acquitted himself with high honor and laid broad and deep the foundations of that superior scholarship for which he was noted throughout his after life.

The degree of Bachelor of Arts, conferred at graduation, was succeeded by that of Master of Arts, conferred upon him by Princeton University in 1873, and afterwards by the degree of Doctor of Laws, conferred upon him by the State University of Kentucky, in 1904.

Before his admission to the Bar, Mr. Shelby read law in the office of his uncle, Judge William B. Kinkead. He was duly licensed to practice law on March 2, 1872, during the incumbency of Hon. Charles B. Thomas as Circuit Judge of this District. He then entered the office of Breckinridge & Buckner, where he practiced law by himself until he formed a partnership with the late Judge J. Soule Smith. This partnership lasted until September 1, 1875, on which date Mr. Shelby became a law partner of Colonel W. C. P. Breckinridge. This relation continued unbroken until Colonel Breckinridge's death on November 19, 1904.

The firm of Breckinridge & Shelby was one of the strongest and most successful law firms ever in practice at this bar. The somewhat variant gifts of the two members of this firm served in many ways to supplement each other and gave to it a standing and an influence which might well be objects of envy and emulation by other members of the profession.

After the death of Colonel Breckinridge, Mr. Shelby practiced alone until 1907, when, with his son, John Craig Shelby, a graduate of the Harvard Law School, he organized the firm of Shelby & Shelby. Mr. R. L. Northcutt became a member of this firm in 1910, and in 1913 the firm name was changed to Shelby, Northcutt & Shelby. As thus constituted, the partnership has continued in force until dissolved by Mr. Shelby's death.

Mr. Shelby was one of that group of enterprising citizens who organized the Belt Line Railroad Company, which afterwards passed under the control of the Elizabethtown, Lexington & Big Sandy Railroad Company, and was absorbed with that property by the Chesapeake & Ohio Railway Company. He also helped to organize the Belt Electric Railway Company, the parent and predecessor of the present Lexington Street Railway system. He was for a long time chief counsel of the Lexington Waterworks Company, and also, for many years, had been general counsel for the Chesapeake & Ohio Railway Company, serving that part of its system known as the Kentucky division. He was also a director of the First & City National Bank, and of the Fayette Home Telephone Company, which he had a large share in organizing and in placing upon a permanent and prosperous foundation. He has been local attorney for the Louisville & Nashville Railroad Company, in Fayette and adjoining counties, almost from the commencement of his practice and, for many years, was also attorney for the Southern Railway Company in Kentucky. These professional

engagements, weighty and important as they were, did not, however, monopolize his time or attention, to the exclusion of other business, for his activities as a lawyer may be said to have covered the entire range of litigation usual to the Bluegrass section of Kentucky.

Nor did the engrossing nature of his professional duties prevent Mr. Shelby from devoting much valuable time and patient and painstaking consideration to other vital interests of the city and community in which his life was passed. He served on the Board of Aldermen of Lexington, at a time when that body numbered among its members such men as Major R. A. Thornton, Judge J. D. Hunt, Thomas N. Allen, and others. For three years, during the administration of Governor Augustus E. Willson, he was the Republican member of the State Board of Election Commissioners. He was for many years a director of the Young Men's Christian Association of Lexington, officiated for several terms as president or vice-president of the Kentucky Society of Sons of the Revolution, and was a member of the vestry and, at the time of his death, Senior Warden of Christ Church Cathedral, of which church he had long been a communicant.

No enterprise and no institution connected with the growth or well-being of this community has ever lacked for his judicious counsel or his whole-hearted and unselfish support. And not only will his wise counsel and generous co-operation be sadly missed by men of affairs and men of business, but a host of private individuals, who, either as clients or as friends, were so fortunate as to enjoy the advantage of his invaluable services, will mourn his loss as one that cannot be replaced.

No lawyer of his generation stood higher in the estimation of this bar than did the distinguished jurist, whose passing we are this day called upon to

lament. For nearly fifty years past he has borne an unsullied reputation as a leading exemplar of the highest civic virtues as well as of the noblest ethics and traditions of the legal profession. His abilities and his attainments were such as to excite admiration and command respect from friend and foe alike. No lawyer, in any era of Kentucky's history, has ever surpassed him in acuteness of intellect, in clarity of thought, or in lucidity of expression. From the beginning to the end of his busy career, he met and mingled on equal terms with those whom this bar and the bar of Kentucky generally have accounted greatest in the profession of the law, and we can recall no instance when he can fairly be said to have been overmatched. His knowledge of the law was varied, accurate and profound, and his powers of logical analysis in presenting any question or in advocating any cause were at all times the despair of his adversaries as they were the subject of enthusiastic and unqualified praise by his associates and colleagues. His high standing as a lawyer was emphasized by the quiet, unobtrusive, but none the less impressive evidence of his dignity and worth as a man, and it is not too much to say that he deservedly takes rank as one of Lexington's most eminent and most universally respected citizens. As a counselor, Mr. Shelby was remarkably free from any appearance or suggestion of aggressive self-assertion, and, even when his advice was most eagerly solicited, he seemed to invite the views of those who sought his guidance rather than to impose upon them any opinions of his own. His gracious, tactful and considerate manner toward all who approached him has been a matter of constant comment by every thoughtful member of this bar.

Realizing how feeble and inadequate must be any tribute that the members of this bar may seek to pay him, and that, in his case, even the sober language

of strictest truth may sound like exaggerated eulogy, nevertheless,

Be It Resolved, That, in the death of Honorable John Todd Shelby, this bar has suffered a grievous and irreparable loss; that his long and honorable career has conferred imperishable lustre upon this bar, the consciousness of which is not confined to this city and county, but is widely recognized throughout our own and other states; that his eminence as a lawyer, his leadership as a citizen, and his worth as a man are most keenly appreciated by those of us who have enjoyed the privilege of daily contact and association and personal acquaintance with him; that none know better than ourselves or can better appraise his studious habits, his unflagging industry, his large experience, and his absolute fidelity to his profession, and none can more truthfully or more emphatically testify to his sterling character, his liberal culture, his extraordinary legal attainments, his public spirit, his unfaltering courage, his flawless courtesy, and to that rare combination of qualities, both of mind and temperament, which have stamped him as a shining example of the Christian gentleman, the erudite scholar, the upright counselor, the faithful advocate, and above all, as the exemplary citizen; and that, while none had a better right to boast of an illustrious ancestry, no man who has ever graced the bench or bar of Kentucky, had less occasion or need to rely upon pride of birth or the blazon of lineage to justify his title to distinction; and,

Be It Further Resolved, That we offer this expression of our affectionate regard and our lasting esteem as, in some sort, a token of reverent respect to our departed brother, and as a solemn testimonial of our sense of loss; and that, in common with the entire community, we extend to his surviving children and to the other sorrowing members of his family, our sincere and heart-felt sympathy; and that, as a further evidence of our friendship and respect,

we assemble in this court-room, as our custom is, and attend the funeral of Mr. Shelby in a body.

D. G. FALCONER,
JOSEPH D. HUNT,
JOHN R. ALLEN,
W. P. KIMBALL,
E. L. HUTCHINSON,
GEORGE C. WEBB,
SAM'L M. WILSON.

Mr. Wilson having read the resolutions, moved their adoption, and the motion was seconded by several members of the bar, accompanied by the following remarks:

REMARKS BY COLONEL JOHN R. ALLEN.

COL. ALLEN: Mr. Chairman, the death of Mr. Shelby makes me realize the passing of the years. When I came to the bar, I was the youngest member of the bar. I am now, with the exception of Judge Hunt (who is no longer in the practice), Judge Matt Walton, perhaps, Judge George B. Kinkead, and Major Falconer, the oldest, if not in years, at least in service, at this bar of any who are now living. When I came to Lexington as a law student, Mr. Shelby, who was then a member of the firm of Breckinridge & Shelby, was a member of the law faculty of Transylvania University, being the Professor of Equity. Among the other members of the faculty were such distinguished men as Major Madison C. Johnson, Gen. John B. Houston, James O. Harrison, and one or two others of like prominence. As an expounder of Equity Jurisprudence neither Yale nor Harvard, nor any other great university of our country, could produce his superior. I remember his

text-book, perhaps the greatest text-book of all on equity, a short and very condensed one—Adams on Equity. That book he knew from cover to cover, and he required all of his students to learn and to know and understand it and to practically memorize the introductory chapter, which is a terse, lucid summary of all the great principles and maxims of equity jurisprudence. From that time until the day of his death I have known Mr. Shelby perhaps as intimately as any other member of the bar. I have been associated with him and his distinguished partner, Col. Breckinridge, and have been his adversary in many cases. I have seen him engaged in legal controversies with the great leaders of the bar, those to whom I have heretofore referred, Madison C. Johnson, James O. Harrison, John B. Houston, James B. Beck, Frank K. Hunt, Richard A. Buckner, and they each found in him, though a much younger man, a foeman worthy of their best steel. I believe I can say in all sincerity that of all the lawyers with whom I have been thrown in contact, Mr. Shelby had no superior in learning, in acuteness of intellect, and especially in splendid powers of discriminating analysis. His arguments in this court were to my mind models of legal argument. He was always courteous to the other side, though maintaining his own position with firmness and force, never letting go a proposition that he believed sound. We all know with what great success he met in his practice.

I knew him not only as a lawyer, but was associated with him in various business enterprises. He was one among ten of us who organized the Belt Line Company here some years ago, the Belt Electric Railroad; one among some of us who organized the

Fayette Telephone Company. I have served with him as a director in nearly all of those corporations, and there never was a wiser counselor, a saner or safer adviser than Mr. Shelby, not only in legal, but in all business matters. He was a man of the most upright integrity, and of splendid physical and moral courage. I remember on one occasion a controversy that took place between the Kentucky Union Railroad and the Belt Line Company in regard to the possession of a tract of land out near the old Anderson place on Third Street, or the Winchester pike. A trainload of workmen, under the charge of the superintendent of the Kentucky Union Railroad, threatened to and did come on flat cars to take possession of that tract of land, which we believed belonged to us. They came with all the implements to run a fence, and we directors went out to protect our rights. We didn't have time to protect ourselves by law, because we only got the information that they were coming a short time before, and injunction proceedings would have been too late. So that all the ten directors of the Belt Line Company went out themselves to oppose the taking possession of this tract of land by the Kentucky Union Railroad. I recall, as if it were yesterday, the superintendent. He was a large, heavy man, rather coarse and brutal in appearance, and he, with some of his assistants, had already, when we got there, dug holes on this tract of land preparatory to putting in their posts and running a line of fence. We armed ourselves, not with guns or pistols, but with whatever was lying around in the way of sticks and staves or anything handy. I recall Mr. Shelby, frail and delicate as he was, stooping down to pick up a branch

for the purpose of protecting himself against the inroads of a lot of ruffians, as we thought, and this superintendent put his foot on that branch, and Mr. Shelby could not move it. But he got in one of those holes that had been made for a post, and no post was allowed to go in that hole. He showed then the same firmness and courage physically that he always showed, morally and otherwise, during his life.

Mr. Shelby's death comes to me as a personal grief. I not only knew him in business, I knew him socially. He has been a guest at my house and I a guest at his. Before my marriage, both my wife and myself were frequently guests at the country place of his father, the most charming home I have ever known, where the most lavish and generous hospitality was extended to everybody, particularly the young, and Mr. Shelby himself was frequently there on our visits.

This bar, to my mind, has lost one of its greatest ornaments in everything that pertains to the best ideals of the profession, uprightness of conduct, absolute integrity in the management of all cases, courtesy to opponents, firmness in presenting the facts for every client. Mr. Shelby was tenacious of every opinion which he believed to be valid, and presented it with an acuteness of intellect, a power of logic, a lucidity of expression that very few in my memory or knowledge equalled. Not only that, but above all, gentlemen, Mr. Shelby was a Christian. For many years he had been connected with Christ Church, was Senior Warden of the church, a member of the vestry for many years; and every one who knew him in his daily life, in all his conduct, saw that there ran through all his actions the faith that

he had in his belief in the precepts of the Christian religion. This bar has lost a great man, modest and unpretentious as he was. I desire to pay this tribute of admiration for his character, this testimony of my respect for him, and of my profound reverence for his learning and ability. To the younger members of the bar I can only say that they could have no brighter example of all that is best in our profession than the life and character of Mr. Shelby, and no young man could do better than to follow, as far as he can, his footsteps and his example. Peace to his ashes, God rest his soul.

REMARKS BY MR. WILLIAM WORTHINGTON.

MR. WORTHINGTON: I came to Lexington to live in the spring of 1890, and on the first day of September of that year I went into Mr. Shelby's office as stenographer, and remained there, with a short intermission, until the first day of September, 1897. My work was with Mr. Shelby during all of those years. When I first went to his office my equipment for the duties that I took up there were very inadequate, both in my training as a stenographer and in my general education. As I look back upon Mr. Shelby's treatment of me, it makes his death a more poignant grief to me, when I think of the kindness which he extended to me. He gave me opportunity to go back in the shorthand school for about a year, in which I had all the time that was necessary to perfect myself in the work as best I could, and also, at his suggestion and advice, and by his giving me the time to do it, I went back to college to undertake to prepare myself better for the work which I did.

Later on I read law in his office under his guidance, under his advice, and generally he gave me advice about what I should do. I recollect on one occasion I had an opportunity to go to another office at a little larger salary, and I talked about the matter with Mr. Shelby, and he advised me that under the circumstances he thought it would be better for me to remain where I was, and his advice was certainly most excellent. I say these things to show the kindness which the man gave to those surrounding him, and how valuable he was to every young man who came in contact with him. In later years, after I went out to myself, I officed next door to him, I saw him during all those years, and I never went to him for advice or assistance that he did not give it willingly and cheerfully, and not only gave advice and assistance, but gave employment, which was of very great help to me.

Mr. Shelby's death comes to me as a very great personal loss, as I know it must be also to those members of the bar who came in anything like the contact with him that I did. I consider it a very great privilege of my life to have been in his office, to have seen as I did his methods, how careful he was, how conscientious he was in everything he did. The workings of his mind were the most accurate of any man I ever came in contact with; whatever he did was complete, his thought was accurate, and above all was always that of a man of splendid conscience and honesty both by natural endowment of mind and later by training. I remember what a friend of mine said about Mr. Shelby, about his work in the courtroom, about being on the opposite side from him, a man, as I thought, of very great ability himself. In

speaking about having an argument with Mr. Shelby, he said that he very much preferred to make his argument first, because, if he didn't, he generally found himself without very much to say after Mr. Shelby got through. I saw him during the course of my work in his office in the trial of many cases, I saw him associated with lawyers of splendid ability. I recall on one occasion a trial which took place in the United States Court at Frankfort, in which he was associated with Judge Lindsay, and I remember the consideration which was given to Mr. Shelby's opinion and in fact it was Mr. Shelby who conducted the case. I remember the sort of consideration he always got from the judges before whom he practised. His mind was keen, analytic, accurate and tenacious. I have never come in contact with any lawyer of trained mind which I considered in any way superior to his. I want to add my few words to the splendid resolutions that have been presented here, and to add my tribute of affection and respect at this time.

REMARKS BY MR. W. C. G. HOBBS.

MR. HOBBS: Mr. Shelby's attainments as a lawyer, his standing as a citizen, are too well known in this community for me even to refer to. But I want to make a few remarks about another side of Mr. Shelby's character and life. I feel that I would be recreant if I failed to do that on this occasion, and yet I feel that it is almost too sacred for me to refer to. He was a man who had the tenderest and most loving sympathy and solicitude for his friends when they were in trouble or distress that I have ever known. His simple, childlike, unwavering faith in the ef-

ficacy of the redeeming blood of the crucified Christ was the most beautiful thing I have ever seen. My talks with him along this line, his abiding hope, his confident expectation to meet and be united with the loved ones that had gone on before gave me stronger hope and belief in a future existence and a happier state for man than all the sermons of all the preachers I have ever heard. On a certain occasion Mr. Shelby slipped into my office very quietly, and said to me, "I have something I believe will help you," and then the tears came into his eyes. He said, "It is a prayer for the absent ones, and not a day has passed over my head since my wife went that I have not repeated this prayer for the loved and absent one," and with great tears streaming down his face, he said, "Will, I know this will give you comfort, and I wanted to bring it to you." His loving words, his tender sympathy in time of sorrow and distress to me, have been unequalled. He was as tender as a woman, and I felt, Mr. Chairman, if I should keep silent on this occasion and not refer to that side of Mr. Shelby's character, the splendid, noble, loving Christian heart of our brother who has gone, that I would be recreant to myself and the duty that I owed to his memory, because I believe to-day, as we stand here, that John Shelby is clasping the hand of that wife for whom he said so often the sweet prayer for the loved and absent one.

REMARKS BY MR. T. T. FORMAN.

MR. FORMAN: When I say that I have known Mr. Shelby for fifty-five years, I believe that goes back to a period antedating his acquaintance with

any man at the bar with the exception of Judge Kinkead. Judge Kinkead, Mr. Shelby and I in youth lived in the same neighborhood in this county, near Walnut Hill. Judge Kinkead is about three years older than Mr. Shelby. He was in Princeton when I first went to that neighborhood to live, but Mr. Shelby and I attended the same school at Walnut Hill in boyhood. His father was an elder in the Walnut Hill church of which my father was the pastor. A little later on Mr. Shelby and I went to Danville together. I was in the preparatory department, he, being nearly two years my senior, was a student in the college then known as Centre, later as Central University. While in Danville we lived in the same house. Before going to Danville, I was frequently, as a boy, in his father's family, and I remember the generous hospitality which was dispensed in that home with great pleasure. Mr. Shelby later went to Princeton, if I remember correctly, to college. About that time the paths of our lives separated for many years. After his education was completed, he located here. I was in New Orleans, returned from there and located at Cynthiana, and from 1873 down to 1890 I do not think Mr. Shelby and I met more than two or three times. Since 1890 we have practised at this bar, side by side.

Of course, it would be impossible for me to add anything to the estimate of Mr. Shelby's character or the force of the words that have been spoken here as to his ability and worth. I had one experience with Mr. Shelby that, perhaps, no other member of this bar ever had. Some years ago there was a man who went out from this bar to another State who concluded to leave the bar and go into the ministry.

There were objections interposed to his entrance into the ministry and the Bishop of Maryland was sent out here to hear and examine that case judicially. No higher compliment could be paid a man by his church than the selection by the Bishop of Maryland of Mr. Shelby to sit with him and hear the case. I am not sure that the Bishop of Maryland decided to call any one to sit with him until he found that there was a member of this bar to appear for the prosecution, and it was my fortune to appear for the defense. Then it was that he called Mr. Shelby in. So he was not only regarded highly at the civil bar, but had a place as well in the courts of the church. I think I might say that with but one exception, one little boyhood struggle we had on the playground, our lives passed in peace and quiet, and I am sure that he always commanded my esteem. What more can we say than that he possessed those qualities of head and heart which "resist the empire of decay."

"Cold in the dust the perished heart may lie
But that which warmed it once can never die."

REMARKS BY HON. W. P. KIMBALL.

MR. KIMBALL: These resolutions prepared by Major Samuel M. Wilson and reported by the Committee give expression of the appreciation of all of the members of this bar of John T. Shelby as a lawyer, public spirited citizen and Christian gentleman.

Colonel John R. Allen, in his remarks, has very accurately analyzed his mental powers and characteristics, and his attainments as a scholar and practitioner. Hon. W. C. G. Hobbs has touched upon the

sweet and tender side of his life and given us a glimpse of the real man that he was.

Measured by all of the standards of human excellence, he was a well-rounded and unusual man. All of us, I trust, possess in some degree his great qualities of mind and heart, as exemplified in his long, active and useful life. But without intending to depreciate the ability and character of this bar, it may be safely said that no one of its living members possesses in the same high degree all of his great qualities.

It may be interesting to inquire for a moment from whence came this unusual man. He was born in Springfield, Illinois, during a visit of his parents to his mother's old home, but he was reared and spent practically all of his life here in Fayette County. His father, Major Thomas H. Shelby, was a grandson of Isaac Shelby, the first Governor of Kentucky, and one of the heroes of the King's Mountain campaign and battle. And without venturing into any controversy respecting this important event in the War of the Revolution and the history of our country, it may be fairly said that he conceived the campaign and was one of the main spirits in its prosecution to a successful termination.

Major Thomas H. Shelby, the grandfather of John T. Shelby, was a son of Governor Isaac Shelby and owned probably eighteen hundred acres of the very best land in Fayette County, located west of the Richmond and Lexington turnpike and near Walnut Hill church. Major Shelby died, I believe, in 1869, and this splendid estate then was held by his three sons, Thomas H. Shelby, Isaac P. Shelby and Edmund P. Shelby, and by his daughter, Mrs. William

B. Kinkead, the mother of our brother, George B. Kinkead. The four places were known respectively as "Grassland," "Belair," "Ruemont," and "Richland." These estates remained in the family for many years and were the pride of the people living in the southern and eastern portions of the county.

When these estates passed from their original owners and fell into the hands of those who cut down the splendid forest trees, plowed up the bluegrass sod and planted it in tobacco, the lands may have become enhanced in commercial value, but their beauty was gone. In after years, recalling these splendid lands, with forest trees, waving wheat and cornfields, flocks of fine sheep and lowing herds of cattle as I knew them as a boy, it made me sick at heart to look at them.

The Shelbys were an elegant country folk. The men were true gentlemen, and the women, true ladies. Their children were of the same character. The three brothers, "Good Ike," Tom and Edmund, as they were known to their neighbors and friends, looked actively after their farms, and mingled, without reserve, with their neighbors at the church, at the sales, the blacksmith shop, the country stores, the fairs and the various places where country people were accustomed to assemble. They engaged in no controversies with any of their neighbors. If either of the three ever had a controversy in court, I never heard of it. They were a God-fearing and thoroughly Christian people. They were all Presbyterians except Isaac P. Shelby, who was a Baptist, and to the day of his death the clerk of the East Hickman Baptist Church. Before and after the war there were good schools at Walnut Hill and East Hickman

which their children attended until they became of college age. John T. Shelby attended the Walnut Hill School when he was a lad. I was born and reared within two miles of his ancestral home and attended the county school with his half-brothers who were younger than he. Mr. Shelby's mother, who was a Todd and related to Mrs. Lincoln, died when he was very young, but his step-mother gave as careful attention to rearing and training him as she did to her own children. He was, of course, given ample opportunities in the high schools and colleges, and being a diligent student, was finely educated.

From this splendid environment of good citizenship, Christian living, dignity, hospitality and courtesy this noble man was given to the world.

I do not recall when I first knew John T. Shelby. He was nearly eight years my senior and was away from home at school when I was growing up. But we were always the best of friends. I met him on the street several years ago and said, "Good morning, Mr. Shelby." He stopped abruptly and said: "'Upon what meat doth this our Caesar feed, that he is grown so great' as to presume to address an old neighbor and friend as *Mister Shelby*?" I apologized by saying that it was uttered in a moment of mental abstraction and no offense was intended.

John T. Shelby was essentially a religious man, but without cant or hypocrisy. He was tolerant of the shortcomings of his fellow men and socially was one of the most delightful companions I ever knew.

In many years' practice here I have been associated with him frequently in litigation and have at times met him on opposing sides. He was a foe-man worthy of any man's steel.

But he has gone from us, and none can tell who will be the next to follow. It was said of Washington Irving that he never uttered a word that would wound or a sentence that would pollute. This may, with equal truth, be said of John T. Shelby. If it be true, as some writer has said, that "history is made up of the essence of innumerable biographies," what a different history would have to be written of this county and state if every life lived in it had been like his.

I am glad that he died as he did. In the fulness of a well-rounded life, before his eye was dimmed, his form bent, his mind clouded or his perspective narrowed, he has entered upon that existence which the Gallilean promised to those who love and serve him. He died in the home constructed and fashioned to suit his taste; in the quiet of his own chamber, surrounded by those he loved and those who loved him; he went to his end

“Not like the quarry slave at night,
Scourged to his dungeon; but sustained and soothed
By an unfaltering trust, approached his grave
Like one who wraps the drapery of his couch
About him and lies down to pleasant dreams.”

But he is not dead, he is merely absent. We know not where he is—he may be very near us or he may be somewhere beyond the stars, in the place described by Bulwer:

“There is a land where the rainbow never fades, where the stars all spread out before us like islands that slumber on the bosom of the ocean, and where the shadowy forms that pass us by remain with us forever.”

But wherever he is, his memory will always be precious and ennobling to us all.

REMARKS BY JUDGE GEORGE BLACKBURN KINKEAD.

JUDGE KINKEAD: From our earliest infancy, the life of John Todd Shelby has been so intimately associated and interwoven with my own, that a picture of the man as I knew him, may not be uninteresting to his associates at this bar, as they sadly review a career that has just closed.

His father was a younger brother of my mother, and the intimate relations of the two families threw us into close contact during the period of our early infancy. He was nearly two years my junior, and when ten and twelve years of age respectively, together we daily rode on our ponies to a country school at Walnut Hill, in this county, where we received instructions from my honored friend, Cabell B. Bullock, who still happily survives. During these years my home was largely his home; we sat at the same board, studied the same books, and occupied the same room. When at 17 years of age I entered Princeton we were separated for two years, except during the period of our vacations. At Princeton we were again united by his joining my class in our junior year, where he became a member of the Literary Society, the American Whig, to which I had previously attached myself, and together we graduated in the class of 1870 with the degree of A. B., which institution subsequently conferred upon us the degree of A. M. Neither of us attended law school, but following the almost universal custom in Kentucky at that day, we read law privately, under the instruction of my

father, Judge William B. Kinkead. During this period he was singularly diligent and studious, never participating with me in the follies that sometimes led me astray, and when he presented himself for examination each afternoon, left the impression of one whose work had been well done, and who had been aided by a mind of singular analytical power, broad grasp, and clear and lucid vision. I here recall an interesting incident which I may be permitted to relate. John Shelby, though thoroughly prepared, and capable at that time of maintaining himself, however rigid the requirement for admission to the bar might have been, never encountered the ordeal of an examination. Judge Charles B. Thomas was at that time our Circuit Judge, and for me he conceived a pleasing partiality. At his invitation I accompanied him to attend an opera at Louisville, and on the way he engaged me in a discussion of a number of cases then pending before him, relating the facts, and apparently indicating a perplexity as to the law applicable to them. Because of his kindness in admitting me to his confidence and friendship, in an unembarrassed way I entered into a vigorous discussion, and was greatly elated when he finally approved of my positions, and told me that he had opposed and combatted, simply to test and develop me. He suggested that I apply at once for a license, but I was reluctant to do so, saying that I dreaded the examination. What was my amazement when he told me that he had been engaged in conducting an examination throughout this trip; to prepare my license, produce it to him, which he would sign, and forward it to a Circuit Judge in Louisville for his signature, which would complete it. I then said I was unwilling to do

so, and could not consent to be admitted to the bar without John Shelby accompanying me; that we had gone through school and college together, had read law together and assured him that he was far better equipped than I for admission. To this, Judge Thomas replied: "If this is your opinion, tell him to prepare his license also." After a great deal of struggle together, without a guide, and with no little mental perturbation, we worked out a form, and on the 29th day of February 1872, I was sworn in. For some unrecalled reason, John suffered a slight delay, and was admitted two days afterwards on the 2nd day of March, 1872, and coincidentally on that date, 48 years thereafter, he died.

After opening an office, we occupied the same bedroom, and I recall his agitation the morning he left me to go to St. Louis to be married. During the long years since our entrance to this bar, we were frequently associated and opposed, and, perhaps, the last work he did in the courts was in association with me.

He was loyal to Princeton, and devoted to his class, the surviving members of which held him in marked esteem and affection, as well for his intellect and professional attainments, as for his kindly, gentle and social virtues. For half a century our reunions have been held, at stated intervals of five years, in that exquisitely lovely and classic old town, and throughout this long period, few things gave him more unalloyed pleasure than being present on these occasions. Within a few days of his death, with boyish glee he concerted with me plans for celebrating the 50th anniversary of our graduation in June, and few of the remnant now remaining will be more gen-

uinely missed. Of him, the President of our class, himself an eminent lawyer in New York, said in a letter to me immediately upon his death, "He was so noble and simple withal. He resembled the best type of the last generation." Only the month before his death he was chosen to deliver an address on a subject so near and so dear to us, that we hold it almost sacred, and what for 50 years has appeared the most conspicuous incident in the exercises we hold on these recurring occasions. Someone must now do for him what he proposed to do for our brilliant First Honor man, who was also the first among our members to lay down his life, and that in the most tragic manner.

It is recorded of Buzurg, the Persian sage, who presided over the education of the youthful prince, that he maintained and taught "That the most grievous misfortune of life was old age without the remembrance of virtue." John Shelby lived as though this admonition had been expressly addressed to him, and in so living has left an example worthy of all emulation. It can not be that the inspiring influence of such a life will close and terminate with the grave; but like a glowing beacon light, perched upon a far-off hill, it will lure and beckon on the living to a still higher and nobler endeavor.

REMARKS BY MR. MAURY KEMPER.

MR. KEMPER: An old Latin maxim tells us to say nothing of the dead, except what is good. A better maxim, perhaps, would tell us to remain silent, unless we are able to say of the dead that which is true and good.

I feel sure that every member of the Fayette County Bar can truthfully say that not a single word,

of all the beautiful sentiments, which have been expressed here to-day, concerning the life-work and character of John T. Shelby, is aught but the plain and unembellished truth.

I wish to add my feeble tribute, bearing witness to the fact that no word of praise has been spoken of him, which his life and character did not fully merit. He had his faults, no doubt. All of us have. He was merely a man. We are told there are spots on the sun. We have never seen them. We do not want to see them. We speak of things "touching a King."

"He set as sets the Morning Star
That goes not down beyond the darkening West
But melts away into the light of Heaven."

REMARKS BY JUDGE CHARLES KERR.

JUDGE KERR: Gentlemen, in presenting these resolutions to you for your action, I find myself torn by conflicting emotions. The appreciation in which I held Mr. Shelby personally, all that he was to me, the various and manifold ways in which he came into my life, would move me on this occasion to try to summon to my aid words that would enable you to form some conception of what he was to me; my own personal feelings, however, at this moment, would admonish me to keep silent.

These occasions that come so often into our circle may well bring to our minds the admonition of the old Persian philosopher: "The wine of life is oozing drop by drop; The leaves of life are falling one by one." We do not feel, in the first moment of grief, that deep, lingering sadness that comes to us after-

wards; the shock of dissolution somehow numbs our feelings, somehow for a while holds back the pent-up grief, but after the first shock has passed away and the realization that some form we loved in life has passed forever from view, the emotions so long held in restraint envelop us in a way that we can not explain. It would be idle for us to try to express those feelings in words. I can not realize that from this stand I shall never again call from your number the name of John Todd Shelby; that I can never again ask his counsel or advice; that I can never again counsel with him concerning the things that are nearest and dearest to me. I might, indeed, say of him as Horace, the old Latin poet, said of his friend Varus, "He was modest, true, just; he is mourned by all good men, and who is there to take his place?"

The silver cord has indeed been loosed, the golden bowl been broken. I know, except for the memories, the sweet associations of thirty-six years, that he has gone forever out of a life, into which he came at its most critical period. Without education, without experience, with nothing to recommend me to the consideration of one who possessed all the graces which education and culture supply, I went into his office and introduced myself to him and his partner, Colonel Breckinridge, and asked them if they would lend me some law books. From that moment until the very last conversation I had with him, only last week, there was never a time when I did not feel that I could go to him with anything that troubled me, that I could ask from him advice upon any subject, and never did I go when he did not receive me kindly, courteously, sweetly. In all the vicissitudes through which I have passed, many of which have

been purely personal, I always received just that encouragement I needed, that sympathy I craved. I might say, too, on those occasions when he knew I was perplexed, that I was bearing some undisclosed burden, he has, with gentle, sweet concern, sought me. This to me is one of the most perfect forms of true, enduring friendship. When I heard my friend Hobbs speak of the beautiful way in which he had come into his life, it reminded me that for thirty-six years he had come into my life in just that way.

I would not at this time undertake to pay a tribute to Mr. Shelby as a man, as a lawyer or as a citizen. Others, in terms meet and appropriate, have done that with a beauty I would not even dare to imitate. All I can say in presenting these resolutions, so beautifully expressive of the esteem in which we held him, is that he may never cease to "rule my spirit from the urn," as he ruled it in life.

The Resolutions of the Bar, having been adopted, were thereupon ordered to be spread at large upon the records of the Fayette Circuit Court.

(Editorial by Desha Breckinridge, in the *Lexington Herald*
of March 3, 1920.)

JOHN TODD SHELBY.

A Christian without reproach, a gentleman without fear, a Kentuckian of Kentuckians, John T. Shelby typified the loftiest traditions, exemplified the noblest aspirations of his people.

A lawyer who met as equal the greatest of his generation, whose mind entitled him to be ranked in the first flight of the great lawyers of the State, whose erudition made him the cherished companion of the most learned, John Shelby was greater as a man than as a lawyer or scholar. With the utter courage of absolute honesty he had the gentleness of a woman; with the transparent veracity that is the companion of perfect fearlessness, he never had thought, even, of expressing a harsh or bitter word. Only those privileged to be admitted to his intimacy could have full appreciation of the combined elements of strength and gentleness, of courage and kindness, of duty and generosity, that made him long since aptly and justly described as the "First Gentleman of Kentucky."

Simple of life, forgetful of self, he never sought nor desired place or power, nor would accept public position. He would have graced and have lent distinction to the Supreme Court, for which he was most eminently fitted, to which he might have been appointed had he but indicated his desire to have a position thereon tendered to him.

From early manhood he carried with never flickering courage and ever present cheerfulness burdens that would have crushed a weaker man.

Frail of body, his mind worked with unceasing and never-flagging industry. But there was no labor so great, no bodily frailty so poignant that could dim his sense of humor or cloud his wit. No grief, it mattered not how desperately it wrung his heart, could make him lose mastery of himself.

The chronology of his life, the date of his birth and death, of his admission to the bar, of the movements he aided, will all be of importance when the day comes to write the history of the times in which he lived. Today, The Herald only gives voice to its personal grief, to its sense of irreparable loss, that is shared by all who had the inestimable privilege of counting Mr. Shelby a friend.

A TRIBUTE.

Richmond, Va., March 3, 1920.

EDITOR OF THE HERALD:

The "High History of the Holy Graal" tells of the Good Knight to whom was granted the vision of the Graal, because of his pure life. Surely unto John Todd Shelby, good and pure Knight that he was, the beatific vision of the sacred things of God had come, and did come, because his quest was ever after the True, the Beautiful, the Good.

His was a life of lofty endeavor, lofty attainment. Bravely he stood for the right. His high intellect, noble character, gentle courtesy, set him apart from his fellows. And yet he touched our lives with the beauty of his life.

To have known him was a privilege. To have enjoyed his friendship was a benediction. To have

had him as a fellow citizen was an inspiration. We who loved him, and were loved by him, hold our memory of him as a priceless treasure.

JAMES POYNTZ NELSON.

(An Appreciation by Hon. Charles Kerr, in the *Lexington Herald* of Sunday, March 7, 1920.)

JOHN T. SHELBY, THE IDEAL LAWYER.

Inasmuch as the well-being of well-ordered society depends upon the law's supremacy, it follows that the lawyer, one of the principal factors in its application, should be the one man whose character and probity are invulnerable; whose sense of justice can never be subordinated by any personal considerations, and whose adherence to the ethics and proprieties of his profession must remain immovable under all circumstances. The members of no profession exert a greater influence on the community than those who follow the law. One charlatan may be a fly in the ointment; one strong, outstanding figure, whose name is a synonym for courage, integrity and virtue, may be the leavening lump. The standards which they fix for themselves are usually those by which the public gauges them. Their relation to society is in many ways anomalous. They add nothing to the world's wealth, consume what others make and live on human error and misfortune. Yet they are the most indispensable members of society, and will continue to be so long as law continues to be recognized as the one agency of government that holds together the social atoms.

The ideal exists in every profession ; in every relation of life ; in the attainment of every goal for which man may strive. It may not be too much to say that without character the ideal is unattainable. With the lawyer there is nothing that will compensate for this one great essential. A lawyer whose character is open to attack from any quarter, however great his legal attainments, can never measure up to the standard of a great lawyer. Skill alone will not supply the defects that result from the absence of this great essential. In a superlative sense is this true of the legal profession. To an extent enjoyed by no other professional man is the lawyer placed in positions of trust and confidence. No man may attain so great distinction that he may not fall below the standard of true worth, if it may be said of him that he has ever been derelict to a trust. The lawyer of today, no less than the lawyer of yesterday, must be a man of solid attainments, mature convictions, unimpeachable character ; and be able at all times and under all circumstances to hold, by his conduct, the respect of friend as well as foe ; who looks upon his profession as a noble science, rather than as a mere means of livelihood, and who guards with virtuous care a stainless and unassailable record in every relation in life. That lawyer who possesses these virtues ; whose judgments and opinions are not dictated by prejudices or influenced by passion ; who is courteous, gentle, yet firm in his all his bearings ; who makes the cause of his client his own cause ; who never lowers the standard of the profession or seeks by evasion to avoid its ethics, and is fearless in the discharge of every duty, most nearly approaches the ideal.

Man may approach the perfect but he can not attain it. And yet the late John T. Shelby did not fail in any of the essentials which bring us within an appreciable nearness of the ideal. His antecedents, his rearing, his education, his innate sense of refinement and culture all lent their influence in producing the completed whole. His ancestry carried him back to a generation that was conspicuous in laying the foundation of the State; in overcoming the vicissitudes of a frontier community; in establishing homes for their descendants, and founding a stable society. Whatever profession he might have chosen he would have adorned; whatever pursuit might have won his endeavors he would have been recognized among its leaders. The legal profession was congenial to one of his inquiring mind. Reason and logic were to him the co-efficients of truth, and no matter where truth led he followed it with relentless exactitude. He reduced every proposition to a syllogism. His conclusions were reached through a deductive rather than through an inductive process of reasoning. When his advice was sought he reasoned from the facts presented to a determination that was as accurate as a problem in Euclid. His was not a mind that could predetermine what a result ought to be, and then construct a theory that would reach the end desired. The final determination with him came as the result of laying his premises in truth. In nothing did he seem to more delight than an *a priori* argument. Given the antecedent, he reached the consequent with a skill and lucidity that baffled his most astute adversaries. So clear was he in statement that nothing was left for argument. It was said of the late John G. Carlisle, by Speaker Reed, that if the whole English

system of jurisprudence were destroyed in an overnight, Mr. Carlisle could reproduce it from the storehouse of his mind. And yet the structure of his mind was not essentially different from that of John T. Shelby, except he pursued the inductive rather than the deductive form of reasoning. Instinctively he knew, or by a process of determination thought he knew, what the law ought to be, and with that as a predetermined conclusion reasoned to the end desired. The one built his fortification before he took his position, the other afterward. A celebrated judge of Kentucky once said that he never decided a case that was argued before him by John T. Shelby the day that it was argued, for the reason that he found himself unconsciously yielding to the force of his argument, so clear was he in statement, so cogent was he in reasoning. Every branch of the law yielded at his approach, but in pleading and equity jurisprudence he had no superior among the lawyers of Kentucky. With him, pleading was a science. As such he studied it, as such he practiced it. Had he lived in the days of Chitty and Mansfield he would have been, *par excellence*, one of the most skillful among the English pleaders. For an ill-prepared and loosely-drawn pleading he had a repugnance that amounted almost to a contempt. He delighted to parry in this branch of the profession with one that was worthy of his own skill. Simple, quiet, unobtrusive, many an adversary was forced to suffer all the torments of that discomfiture that comes from lack of skill or preparation, when he stood before the bar with him as opponent. The pleadings involved in the preparation of a case were all that Blackstone defined them as being—"the mutual altercations between the plain-

tiff and defendant.” As a result his case was usually won or lost in the making of the issues.

With him equity was that branch of the law which supplied all the deficiencies of the common law. It was a system of common justice as well as common morals. He did not believe there could be a wrong without a remedy. Any system for the adjustment of human relationship that did not accept this as a truism was inherently defective. His innate sense of justice was, therefore, naturally and irresistibly drawn towards that branch of the profession which was founded on the spirit rather than the letter of the law. And on those occasions when he addressed himself to pure questions of abstract right, he spoke with all the fervor of one who could not look with the slightest degree of toleration upon an injustice, even though the letter of the law gave it sanction. And yet, on occasion, there was no one that could contend for the letter with more exactness than he. He would have been a poor advocate in behalf of Shylock, but he would have delighted in the niceties of Portia. But whether he followed the letter or the spirit, it was justice, in the end, that determined his course. One of the last acts of his professional life was to refuse participation in an action which he conceived to be wrong and wholly lacking in moral substance.

And thus it was he approached the ideal. Not alone in character, not alone in being the Shakespearian possessor of all those attributes that unite in making the man, but in the ethics and practice of his profession, as well. Of him it might be said, as it was said of another distinguished member of the Lexington bar, “he was a man before whom temptation fled.” So high was his sense of honor, so correct the

standards which he had erected for his own conduct, that he never had to combat those seductive influences to which so many of his profession have fallen victims. He was the embodiment of the best traditions of the bar. He personified a type that is passing. As Horace said of Varus, there is none to take his place. He ennobled a profession that could not ennoble him. His was a nobility begotten of Nature. Into the profession which he chose he carried a rectitude of purpose that gave it both dignity and respect. His profession would seek in vain for a higher standard than he exemplified in his own personality, and those who knew and loved him will trust that he has taken his place among those

Sceptred sovereigns, that continue
To rule our spirits from their urns.

(From the *Lexington Herald* of Thursday, March 4, 1920.)

Funeral services in honor of John T. Shelby will be held at Christ Church Cathedral this afternoon at 3 o'clock and his body will be interred in the Lexington cemetery beneath the bluegrass sod, where sleeps the sweetheart of his childhood, of his youth and of his maturity.

The services will be conducted by Bishop Lewis W. Burton, Bishop of the Diocese of Lexington; Dean Robert K. Massie, Dean of Christ Church Cathedral, of Lexington, and Dean Richard L. McCready, of Louisville.

The kinsmen and friends who will bear him to his grave are Thomas H. Shelby, Sr., Wallace M. Shelby, Robert L. Northcutt, Desha Breckinridge, Judge Charles Kerr, Judge George B. Kinkead, Col. John R. Allen, Charles S. Brent.

RESOLUTIONS ADOPTED BY TELEPHONE COMPANY.

The sentiment of those who knew Mr. Shelby best, shared by the community who knew him only as a beneficent influence, is given voice in resolutions drafted by Charles N. Manning and adopted by the directors of the Fayette Home Telephone Company, of which Mr. Shelby was one of the founders and served as vice-president, director and general counsel since its organization. The resolutions, which will be sent to the members of the family signed by every director of the company, all of whom considered it a precious privilege to be associated with Mr. Shelby, are:

“The soul of John T. Shelby has returned to his Creator, and we, his associates on the board of directors of the Fayette Home Telephone Company, are gathered to express our sorrow at the loss of his earthly companionship and our appreciation of the qualities that bound him to us as with hoops of steel.

“He was a director of this company from its organization to the date of his death, was its vice-president and general counsel, and in all those capacities he served it with intelligence, wisdom and fidelity which characterized his performance of every duty.

“Those who knew him best loved him most, and we are grateful for the privilege of association with him for so many years. We feel that any attempt on our part to eulogize him would be—to use a phrase which he frequently employed with reference to others—an effort to ‘paint the lily’; and yet we can not forbear to record our admiration for the gentleness and purity of his life, for the unfailing courtesy and consideration for others which was as much a

habit with him as breathing, for the strength and elevation of his character, for the uprightness and nobility of his conduct. The clearness of his intellect, the vigor of his reason, were not more remarkable than the directness and disinterestedness of his action. His lofty ideals were not marred by inconsistency of conduct. He had the faith of Lincoln that makes might right; he sought the truth, and having found it, he dared to follow where it led. With the gentleness of a woman he combined the courage of a lion, and being true to himself, he could not be false to any man.

“He could always be relied upon to support by voice, by labor and by example the cause of righteousness, and his influence for good in the community was incalculable. His motives were always unquestionable, his utterances sincere.

“His culture, his learning, his urbanity, his exquisite humor and kindness made him the most delightful companion, and his sincerity and loyalty made him the truest of friends. To enjoy his confidence and his friendship was a badge of honor which might well have been coveted by the proudest. Association with him was always ennobling; he elevated every society in which he moved.

“With melancholy feelings it has been our lot in the last few months to

‘Behold him in the evening time of life,
By unperceived degrees he wears away,
Yet, like the sun, seems larger at setting.’

“With the whole community we mourn the passing of a great and good man. To his family we extend our deepest and most heartfelt sympathy, and of them we crave the privilege of mingling our tears with theirs.”

BANK ADOPTS RESOLUTIONS.

At a special meeting of the board of directors of the First and City National Bank, of which Mr. Shelby had been a member since the union of the First and City National Banks, resolutions drafted by Joseph W. Porter, were unanimously adopted:

“The directors of the First and City National Bank, having learned with profound sorrow of the death of their associate director, John T. Shelby, desire to place upon the records of the bank the high estimate in which he was held by them.

“A man of unusual mental ability, of the highest sense of honor, of keen appreciation of the service which he should render to his fellow man, of rare Christian character, he brought to the discharge of every duty a determination to give his very best efforts. His counsels were wise, his judgment sound, and his integrity above reproach. In the death of John T. Shelby this community has lost one of its best citizens, this bank a wise and safe counselor, his church a Christian gentleman, and his friends one of their choicest spirits.

“To his family we extend our sincerest sympathy, and we direct that this testimonial be spread upon the minutes of this board and a copy sent to his family.”

The Vestry of Christ Church Cathedral, of which Mr. Shelby was Senior Warden, also being Chancellor of the Diocese, expressed the estimate in which he was held by his associates in the following:

RESOLUTIONS.

“The Vestry of Christ Church Cathedral desire to give some expression to their sorrow and sense of loss in the death of their honored fellow-member John Todd Shelby, Senior Warden of the Vestry, and Chancellor of the Diocese.

“Other societies and organizations will no doubt speak of Mr. Shelby as a lawyer and a citizen and as a member of various bodies to which he belonged. We desire to place on record our affection for him as our friend, and our estimate of him as a Christian and a valued worker in the Vestry of Christ Church Cathedral.

“It is not too much to say that we hardly know where to turn for the wise counsel which we always received from him, or how we shall go on with our work and its plans without his help and advice.

“As a man he was gifted, highly trained, of incorruptible integrity; as counselor and adviser clear-visioned and wise; as a friend loyal and true; as a Christian humble, devout and consistent. We honored him, we loved him, we shall miss him sorely. The Church is better because he loved and worked in it. It is poorer now because he has gone from us. While our sense of bereavement is so fresh and vivid, we shall not attempt to make a balanced estimate of his life and work, or pay complete and fitting tribute to his character. We would only express our thankfulness to God for what Mr. Shelby was and for what he did among us, and our sense of bereavement in his loss.

“We desire to express to his family our deepest and most heartfelt sympathy, and we commend them

to the God of Mercy Who comforts the hearts of His sorrowing children.

“Resolved, that the above be spread on the minutes of the Vestry and be communicated to the family of our lamented friend.

JOHN G. KING,
H. T. DUNCAN,
C. K. MARSHALL,
SAM B. MARKS,
CLINTON M. HARBISON,
S. W. CALDER,
ROBERT K. MASSIE,
JAMES A. TODD,
C. H. EDGE,
JOHN R. ALLEN,
JOHN MARSTON, JR.,
J. HOWARD FITCH.”

The Society of Sons of the Revolution, of which Mr. Shelby was one of the founders and served as vice-president and president, adopted the following:

RESOLUTIONS.

“Whereas, The Society of Sons of the Revolution in the Commonwealth of Kentucky has learned with deep sorrow of the death of John Todd Shelby, which occurred at his home in Lexington, Kentucky, on the afternoon of Tuesday, March 2, 1920; and,

“Whereas, in the death of Mr. Shelby this society has lost one of its most illustrious and revered members; one of its founders; one who as President and as Vice-President has continuously since its organization given to the Society generously of his time and of his wise counsel, fortifying it with the strength of his high Christian character; gracing it by moving in it; bringing honor to it by his own renown, and ex-

emplifying in his own person the patriotic principles upon which he helped to found it; and,

“Whereas, In addition to being a loyal member of this Society, Mr. Shelby was also a devoted churchman; a learned and eminent lawyer; a patriotic citizen in the finest sense of the term; a cultured gentleman and a noble character whom it was a privilege to meet and an inspiration to know; and,

“Whereas, There is none left to take his place, therefore.

“Be it resolved that in the death of John Todd Shelby this Society, in common with the church, the American Bar, the community in which he lived and all those whose lives he touched, has suffered an irreparable loss; and,

“Be it resolved, further, that this Society extend especially to the sons and daughter of our departed member, as well as to his brothers and sisters, our heartfelt sympathy in their deep bereavement.

ROBERT K. MASSIE,
W. A. McDOWELL,
WILBUR R. SMITH,
J. E. BASSETT,
W. W. ESTILL,
GEORGE K. GRAVES,
CLINTON M. HARBISON.”

The funeral services in memory of John Todd Shelby were held at Christ Church Cathedral Thursday afternoon. Bishop Lewis W. Burton, assisted by Dean Robert K. Massie and Dean Richard L. McCready, of Louisville, conducted the simple but impressive service of the Episcopal Church, the vested choir singing the hymns which were dear to Mr. Shelby.

The Cathedral was crowded with those who gathered to pay the last tribute to the remains of one who for nearly half a century has been a beneficent influence in the community which he loved. The air was heavy with the scent of the flowers that were the visual evidence of the sorrow of friends, but heavier far with the grief of those who felt a personal loss in the death of one who never intentionally did an injury or an injustice, but throughout his life strove always to render assistance and give joy, discharging his own obligations and making lighter the burdens of all with whom life brought him in contact.

“Blessed is the corpse on which the rain falls,” and blessed far more is the man at whose death no man or woman thinks except with respect, admiration and affection. Resting in the cemetery, beneath a bank of flowers piled high and broad, beside the one he loved longest and best, the rain falling gently on the new-made grave, the body of John Shelby is free from pain and at rest. Life is richer, the world is better, because he lived, and his spirit is still potent for good.

DEFEAT OF DEATH.

(John T. Shelby's Funeral, by Robert J. Breckinridge.)

It was raining heavily, with the wind from the Northeast carrying a biting tang that told of colder weather. The limbs of the trees, laden heavily with moisture, hung drearily over the road. The slender saplings swung to and fro in sombre silence.

Death, great, grim, ghastly Death, seemed to be the victor in his battle against Life. The emotion that one feels in his presence was shown by careworn faces and furrowed brows of those who gathered on the hillside to pay a last homage to the one they loved. A woman sobbed, a boy lovingly placed his arm about her. A man surreptitiously wiped a tear away, as if ashamed of gentler emotions. The clear, sweet voices of the little choir arose in swelling symphony, and the wondrous hues of lily, rose and hyacinth covered, in riotous beauty, the resting place; their faint, sweet perfume, so delicately ethereal, drove away the misting shadows, and memories of his life, full of human loveliness, rose triumphant from the grave.

There rests the fragile body, but the dauntless soul lives forever as an inspiration to those that face the problems of the future. Christian, Gentleman, American, Kentuckian; the heart of a child and a nerve of steel. His spirit smiles as he greets those who have waited.

Death, you lose, for he has gone across

“The sunlit river, shadowy river,
River of sadness, river of gladness,
The river of Life.”

THE HAPPY WARRIOR.

Who is the happy warrior? Who is he
Whom every man in arms should wish to be?

* * * * *

'Tis he whose law is reason; who depends
Upon that law as on the best of friends;
Whence, in a state where men are tempted still
To evil for a guard against worse ill,
And what in quality or act is best
Doth seldom on a right foundation rest,
He fixes good on good alone, and owes
To virtue every triumph that he knows;
Who, if he rise to station of command,
Rises by open means; and there will stand
On honorable terms, or else retire,
And in himself possess his own desire;
Who comprehends his trust, and to the same
Keeps faithful with a singleness of aim;
And therefore does not stoop, nor lie in wait
For wealth, or honours, or for worldly state;
Whom they must follow; on whose head must fall,
Like showers of manna; if they come at all;
Whose powers shed round him in the common strife,
Or mild concerns of ordinary life,
A constant influence, a peculiar grace;
But who, if he be called upon to face
Some awful moment to which Heaven has joined
Great issues, good or bad for human kind,
Is happy as a lover; and attired
With sudden brightness, like a man inspired;
And through the heat of conflict keeps the law
In calmness made, and sees what he foresaw;
Or if an unexpected call succeed,
Come when it will, is equal to the need:
He who, though thus endued as with a sense
And faculty for storm and turbulence,
Is yet a soul whose master bias leans
To homefelt pleasures and to gentle scenes.

Sweet images! which, wheresoe'er he be,
Are at his heart; and such fidelity
It is his darling passion to approve;
More brave for this, that he hath much to love:
'Tis, finally, the man, who, lifted high,
Conspicuous object in a nation's eye,
Or left unthought of in obscurity,—
Who, with a toward or untoward lot,
Prosperous or adverse, to his wish or not,
Plays, in the many games of life, that one
Where what he most doth value must be won;
Whom neither shape of danger can dismay,
Nor thought of tender happiness betray;
Who, not content that former worth stand fast,
Looks forward, persevering to the last,
From well to better, daily self-surpassed:
Who, whether praise of him must walk the earth
For ever, and to noble deeds give birth,
Or he must go to dust without his fame,
And leave a dead, unprofitable name,
Finds comfort in himself and in his cause;
And, while the mortal mist is gathering draws
His breath in confidence of Heaven's applause:
This is the happy warrior; this is he
Whom every man in arms should wish to be!
—Wordsworth.