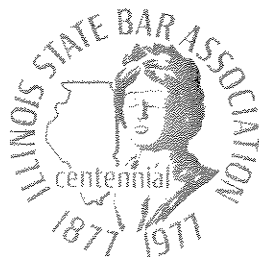


BRIEF HISTORIES OF  
SOME COUNTY BARS  
AND OTHER LEGAL ORGANIZATIONS  
IN ILLINOIS  
and  
A BRIEF HISTORY OF  
THE ILLINOIS STATE BAR  
ASSOCIATION -- 1877 to 1977



A Centennial Publication  
Of The Illinois State Bar Association

January 1977

## FOREWORD

Early last year I wrote a letter to all Presidents of the local and organized bar associations in Illinois urging that each association submit its history in brief for publication in a special Centennial publication of the Illinois State Bar Association. I am gratified that 32 associations responded to that plea. This publication is the fulfillment of that goal.

The ISBA and local bar associations have had a close relationship in furthering the work of the organized bar from the very first day the ISBA was organized. Judge Stephen R. Moore of Kankakee, who is given credit for initiating the move to found the ISBA, recognized the importance of local bars when he wrote a letter to the editor of the Chicago Legal News in 1876 urging that each county bar send at least two delegates to attend the organizational meeting of the ISBA on January 4, 1877. Thirty-seven local bars, some of which were already organized associations, responded to the call. Eighty-eight lawyers attended the meeting.

This special Centennial publication is dedicated to those thousands of local bar officers and members, living and dead, who have contributed so much to the work of ISBA over the past 100 years. Without their generous contribution of time and effort, the ISBA would not be what it is today.

The local bars have furnished personnel for the work of ISBA committees and sections. They have maintained their own committees to keep an eye on any unauthorized practice of law in their communities and on any violations of professional ethics. Many have maintained legal aid and lawyer referral offices for the benefit of the public. And many have helped formulate and draft legislation to improve laws, and have worked closely with the courts to improve court procedures.

In addition, many bar associations have contributed to the education of lay citizens on their legal rights. Such projects as the "Law in American Society" program, Law Day observances, and "Know Your Legal Rights" courses for adults have helped the public better understand the value of law in everyday life.

In the recent past a new dimension has been added to the relationship of ISBA and local bar associations. The creation of the ISBA Assembly in 1972 as the supreme governing board of the Association has resulted in a closer tie between the ISBA and the local and organized bar associations. Each circuit in the state has two or more Assembly delegates to represent the local bars in Assembly deliberations. This setup worked extremely well in the recent special Assembly session on advertising and specialization when numerous local bar associations voiced their stand on these matters through their Assembly delegates, and there is no reason to believe that it will not continue to function well in representing the local bars' views in the future. This feedback from local bar associations has been one of the healthiest developments in decades in the work of the organized bar of Illinois.

The past 100 years is replete with accomplishments of local and organized bar associations for the good of both the legal profession and the public. Some of these achievements have been publicized by the press, but most of them have gone unnoticed and the only reward the local bars have received is the satisfaction of a job well done.

With the advancement of technology and new methods of doing things, it is certain that the next 100 years will be even more fruitful for local and organized bar associations in Illinois.

Francis J. Householter  
President  
Illinois State Bar Association

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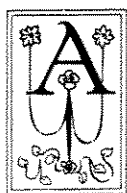


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# ADAMS COUNTY BAR

THE QUINCY BAR ASSOCIATION, THE FORERUNNER  
OF THE ADAMS COUNTY BAR ASSOCIATION,  
WAS ESTABLISHED A CENTURY AGO.

By DUANE L. MARTIN And JOHN T. INGRAM\*



REVIEW of the history of the Adams County Bar, especially its early history, is comparable to a recapitulation of the early history of Illinois. They are one and the same. This was the Bar of the "Military Tract", that portion of the state situated between the Illinois and Mississippi Rivers, and south of the latitude of Rock Island which had been reserved by the federal government for the soldiers of the War of 1812, the "Tract" being also known as the "Bounty Lands."

The complex issues arising from the collision between the claimants to these lands under government patent and those under state tax title, the buying, selling, and transference of the patents, many held by those who could not or did not intend to live on and develop the land, with the accompanying conflicts and errors in conveyance, opened at once an arena for the development and display of the highest grade of legal talent and the need for it.

For a score or more years subsequent to 1825, the Adams County Bar stood prominent in public recognition of its capacity, ability and success. It should be noted that Quincy, the County Seat, was for those times, a fast growing community. Not only was it in the heart of the "Military Tract", but it was fortunately located on the Mississippi River, which was a broad highway of travel, upon whose waters moved thousands of emigrants from the East who had

traveled down the Ohio River, some destined for St. Louis and west, others proceeding northward and eventually populating the charming river cities of Illinois, Missouri and Iowa. It was a busy, outgoing era. Quincy was at one time the third largest city in Illinois.

With people come troubles and problems and the necessity for their solution. In this new, effervescent milieu and heady atmosphere, leading legal lights gathered and strove, the broad land questions were litigated and the lawyers from Adams County made their periodical tours throughout the "Tract," where their names were as familiar as household words as they attended the semiannual circuits of the court. These were men of attainments, of prestige, early Nestors of the Bar, who by their records lent distinction to the County Bar.

A minute history of the early Adams County Bar could well draw upon the daily acts, words and deeds of everyone before the Bar and of every judge sitting on the Bench, as all made their mark. Time, space and the definition of true history prevents this nor would such a recital be possible or have interest or value. It is the broad sweep, the highlights in which we are interested.

The achievements of a number of men, however, were outstanding. On the early bench were men of distinction and attainment. The earliest judge of the Adams County Circuit, as far as is known, was John Yorcke Sawyer, a native of Vermont. He sus-

tained an excellent reputation for integrity and ability and was better educated than the majority of lawyers of his time. He was appointed in the session of 1824-25 and two years later was legislated out of office by the law of 1826-27 which repealed the circuit court system and gave the Supreme Court Judges circuit duty.

Judge Sawyer's first court was held in July 1825, in a sixteen foot square cabin on Front Street in Quincy near the foot of Vermont Street. The judge was of remarkable size weighing around four hundred pounds. He was of a genial nature and his probity and acquirements made him popular and respected during his two year term. His wit was proverbial. "Madam," he said to an old Quincy landlady, "ain't your cows of different colors?" "Yes," she said, "We've got 'em black and white, red, and spotted." "I thought so," said the Judge, "Your butter speckles that way."

Judge Sawyer was succeeded by one of the Supreme Judges, Samuel D. Lockwood from Central New York. He became the first licensed lawyer in Illinois, May 14, 1819. Politically he was a Whig, subsequently a member of the Republican party. He retired from the bench in 1848.

Requiring the Supreme Judges to do circuit duty became so burdensome that in 1831 a partial reorganization of the judicial system was made, and a Fifth Judicial Circuit was established comprising the "Military Tract." To this Richard M. Young, by birth

\* Of Quincy, members of Adams County Bar Association.



a Kentuckian, was appointed. He was elected to the Senate in 1837, was later appointed to the United States Supreme Court, was Clerk of the House of Representatives in Washington and also became Commissioner of the General Land Office. He was followed by James H. Ralston, another Kentuckian, in 1837, and he was succeeded by Peter Lott of New Jersey, who was retired in 1841 under the operation of the reorganization of the judiciary law.

In 1840-41, the Democratic Party in the Illinois legislature, dissatisfied with the condition of the Supreme Court, which was composed of four judges, three Whigs and one Democrat, all of whom held office for life under the Constitution, reorganized the judiciary by abolishing the circuit judge system, mustering them all out and adding five judges to the Supreme Court (all Democrats) imposing circuit court duty upon them. Judge then followed judge, all equally entitled to remembrance, leaving excellent records and their mark upon the Bar and community they served.

Under the last reorganization the Supreme Court Judge appointment for this District was Stephen A. Douglas, who assumed office in 1841. Judge Douglas was nationally known and his career as a judge was popular and creditable. He had vexatious questions to determine connected with the Mormons who had settled in Illinois communities, and the prickly question of the division of Adams County, which created conflicting feelings at the time, but Douglas managed to retain general confidence. Douglas was elected to Congress in 1843 defeating Orville H. Browning of Quincy, after an able campaign waged by both.

He was succeeded by Jesse B. Thomas. The father of Judge Thomas was one of the first two United States senators and the author of the famous "Missouri Compromise." He was succeeded by Norman H. Purple who was of singular fitness for his high

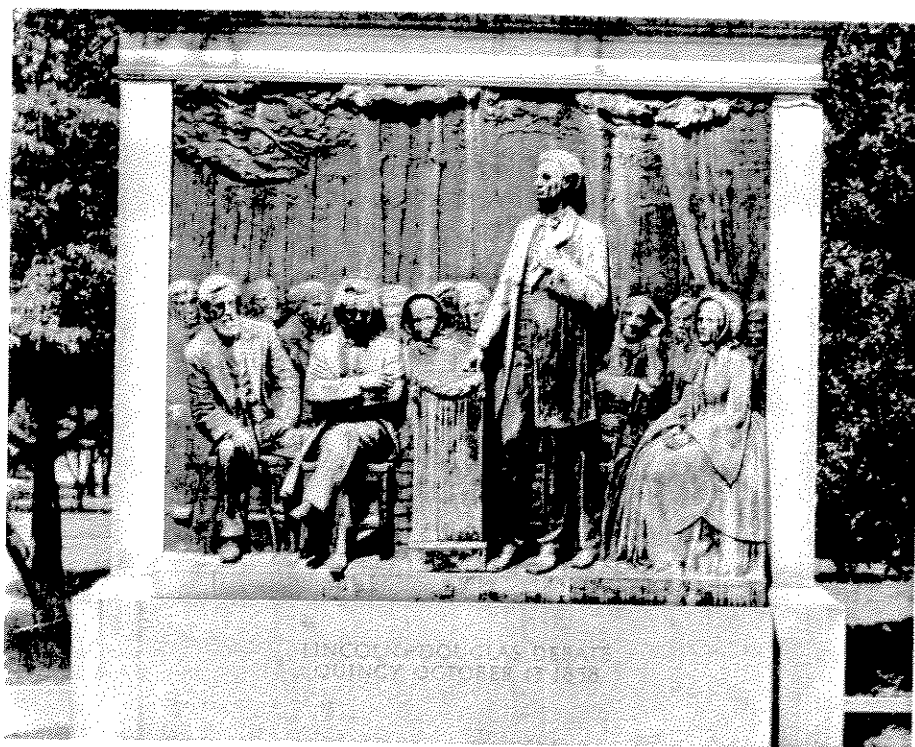
position. Precise, prompt and brief in his rulings he held alike the confidence of the Bar and public. He served until 1848 and was followed by William A. Minshall of Schuyler County.

The Constitution of 1848 made judges elective and at the same time disunited Adams and Peoria counties. Previously the judiciary had been removed from immediate connection with party politics. When the judicial office was made popularly elective, partisan feeling was thrown into the contest with the utmost bitterness. It is hard now to realize the amount of acrimony throughout the state that followed these first judicial elections.

Judge Minshall was succeeded by Onias Skinner in 1851 when Adams and Hancock Counties were created separate circuits. Skinner, a native of New York, had been a prominent lawyer in Hancock and Adams Counties. His later residence was in Quincy. He was a man of more than

ordinary intellect, with great legal aptitude, hampered by limited education. His native ability and force of character lifted him above the last defect to a front rank among lawyers and jurists. A vacancy occurred in the Supreme Court and in 1855 he was elected over Stephen T. Logan and Charles Constable, two highly eminent lawyers. Judge Joseph Sibley succeeded Skinner serving until 1879.

Sibley was succeeded by Judge John H. Williams until 1886, followed by William Marsh to 1891. The following circuit judges are mentioned as there are those living who yet remember these men and their accomplishments: Oscar P. Bonney serving from 1891-1897, John C. Broady, who served from 1897 to 1903 followed by Albert Akers whose record was commendable. He was succeeded by Fred G. Wolfe who served until 1957, followed by John T. Reardon who served until 1976 when he was appointed to the Illinois Appellate



The sixth of the seven Lincoln-Douglas debates was held October 13, 1858 at Quincy. The above monument marks the site.

## ADAMS (cont.)

Bench. Since Judge Reardon the bench is presently graced by excellent judges whose names are presently so well known that they need not be repeated here.

Thus far this chronology has been concerned with those occupying the bench. During all this period the individual lawyer had worked, burning the midnight oil, serving his Mistress the Law and his community. There were giants in those days, strong men now passed away. Less learned than those who followed them, they were the peers and more of their successors. The founders and framers of our great commonwealth were the young, ambitious, adventurous men who lived, struggled and exceeded their inherent resource. Native genius, intuitional capacity, hard work and sharpened keenness resulting from constant mental collision with their peers and devotion to the law, marked the lawyers of early days. Some had little formal education. A smattering of Blackstone, Common Law Pleading and Real Estate Law were their only tools.

The first lawyer to make Quincy

his residence was Louis Masquerre, who came to the then village in about 1827 and his arrival was soon increased by new members: J. H. Ralston, Archibald Williams, Orville H. Browning, John E. Jeffers, Judge Young, Thomas Ford (afterwards Governor of the state), Henry Asbury, James N. Whitney, Andrew Johnson, C. B. Lawrence (afterwards a State Supreme Court Judge), C. A. Warren, and A. Wheat. Many distinguished themselves.

Orville H. Browning came to Quincy in 1831 from Kentucky. He had great ability and once established, political honor sought him. In 1836 he was elected to the Illinois Senate, serving four years and was again elected in 1842. He was a Whig candidate for Congress but was defeated. Upon the death of Senator Douglas, Browning was appointed to fill the vacant seat until a successor could be elected. President Johnson later appointed him Secretary of the Interior in which office he acquitted himself with signal success. After retiring from the Cabinet he resumed his practice in Quincy.

Browning was elected the third President of the Illinois State Bar Association in 1881, but he died before his one-year term ended.

One other Quincy lawyer — George H. Wilson — was elected the 49th President of the Illinois State Bar Association and served in 1926-27, the year ISBA's 50th anniversary was observed.

General James W. Singleton, prominent in the Adams County Bar, was twice elected to the legislature and also to the Constitutional Convention of 1848. During the Mormon troubles at Nauvoo, he was assigned by the Governor to take command of the military at that point. He was greatly responsible for the railroad from Camp Point to Meredosia and during the Rebellion was sent on a mission to Richmond, Virginia, by President Lincoln in the hope of dissuading the Confederates from continuing the



George H. Wilson, Quincy, President of the Illinois State Bar Association in 1926-27, the Association's 50th Anniversary year.

struggle. His mission failed. In 1868 he was nominated for Congress in the Fourth District, was defeated and then in 1878 was elected to that body.

William A. Richardson should be remembered. He served in the Black Hawk War with distinction. He was elected to the Illinois Senate in 1844 and was chosen Speaker. He served in the Mexican War and was promoted in the field after the Battle of Buena Vista. He was elected to Congress in 1847 serving until 1856. In 1857 he was made governor of Nebraska which was in the wildest confusion, no civil laws, and few criminal laws. He established there a criminal code based on Illinois' code and a civil practice code based on Ohio's code. In 1860 he returned to Quincy and was elected to the U.S. Senate to fill the unexpired term of Douglas, his term expiring in 1865.

The Bar was replete with men of ability and only a few can appear here. Mention should be made of Jackson Grimshaw, Collector of Internal Revenue for the Fourth District, and Archibald Williams, who was offered a seat on the U.S. Supreme Court which he refused because of advanced age. In 1849, he was appointed by President Taylor, District Attorney for Illinois and in



Orville H. Browning, Quincy, President of the Illinois State Bar Association in 1881.

1861 was appointed by Lincoln as U.S. District Judge of Kansas.

In the early days of the settlement of the western part of Illinois, members of the bar and court were not as schooled and as well read in the law as lawyers and judges of later times, but their good sense and quick judgment made ample amends for these shortcomings. As early as 1831, the judicial circuit of Quincy was included in the District in which Chicago was situated, and also the Galena District.

The judge and lawyers usually made the circuit on horseback. The lawyers and judges mingled in common, ate, drank, smoked, joked, and disputed together. The judge at a tavern had the spare room, if one were available, and the lawyers bunked easily together in the "omnibus", as the big, many bedded room was called. There they discussed, dissected, worried, and fought over whatever legal point was raised.

John Tillson, in speaking of the early bar, its members and practice said:

"It was well known that during all the early period of state history, the prominence of Quincy and the Adams County Bar was an admitted Illinois fact. Here were taught, needed, and developed, the stalwart qualities that attach to and betoken the most complete fruition of legal excellence, as attained in the recognition, study, comprehension, and application of the obscure and limitless principles and history of that noblest portion of jurisprudence — land law."

Law in those days demanded different qualities from its votaries than now. Of books there were few. Authorities and precedents slumbered not in great, handy libraries. The entire collection of law books of the "Bounty Tract" could hardly today fill the shelves of the ordinary lawyer's library. Those lawyers of Adams County who obtained broad repute, whether engaged in counsel or litigation, relied on native ability and resources, remembrance of past reading, and the readiness with which legal

principles, drawn from the above by intuition, could be applied to the matter at hand.

The Bar in the early days was a sort of family. All traveled circuit, went to every county on "court week." The court houses were rough log houses and the furniture was primitive but the bench and bar were always filled with character, knowledge, and dignity. There was more flair, drama, charisma, adventuresome spirit, and reliance on their own merit among the early members of the bar. This appears sharply today in the general lowering of forensic ability among those of the present bar. Instead of a dry report to the court, yesterday's lawyers took advantage of all their knowledge, their summations to the court being replete with literary references and examples. The court today has little time or patience for this eloquence and no doubt would be unimpressed by the lawyer who paraded such extra-legal learning. The present lawyers too seem to have less flexibility of thought when compared with the early bar. It is paradoxical that this age of expanding

science and broader vision has resulted in a dulling of the imagination and a reverting to the trivial and unimportant. This may be due to the packaging of education and the staggering complexity and multiplicity of our present day law. There is little time for the lawyer today to browse, meditate, and philosophize. In the past, the space before the bar was crowded at every sitting of the circuit court by lawyers, who, though not having a present cause, came to critically listen to the pleading and arguments of their fellow lawyers. However, it must be said that the concept and administration of law and justice today, transcends far beyond any concept the past envisioned.

A healthy bar presupposes a bar association and in 1876 the Quincy Bar Association was formed as most of the lawyers lived in Quincy. It was not until later that it became the Adams County Bar Association. The stated object of the association was "to establish and maintain the honor and dignity of the profession of law, to cultivate social intercourse among its members and increase its usefulness by promoting the due administration of justice."

Orville H. Browning was the first president, William Marsh and Alexander Wheat, vice-presidents, Rufus L. Miller, Secretary and James T. Carroll, Treasurer. Also there was set up and appointed a Board of Managers and Committee on Admissions. The Association had the nucleus of a law library and secured the use of a library room in the then, new Court House, which was also the meeting place of the Association. This library grew as a result of the Bar's active and progressive interest, some volumes being purchased, others were contributed by members. In or around 1915-20, it was said that the library contained about three thousand volumes and was believed to be the largest and best library in the state outside of Chicago. Miss Margaret



Circuit Judge John T. Reardon, Quincy, is a former Chairman of the National Conference of State Trial Judges, and has held other national offices in the American Bar Association. He is a former Chief Judge of the Eighth Judicial Circuit.

## ADAMS (cont.)

Wick, a lawyer, was the librarian.

The present library is excellent, based upon the State Reports, augmented by standard reports and publications. It is administered by a committee which carefully selects book purchases and employs a librarian. The cost of maintaining a library is an ever mounting one which has thus far been met by fees plus county and bar contributions.

In recounting the past of the bar, the names and achievements of many former lawyers and judges have been omitted. Each had his place in bar history, was part and parcel of it. This bar has had its share of brilliant lawyers, wise judges, causes celebré, problems, and bar activities. Its members have served with credit in Constitutional Conventions, committees on changes in our laws and Practice Act; its judges have served on the appellate court bench and on state and national committees.

For over twelve years the Eighth Judicial Circuit has been fortunate to have Judge John T. Reardon as its Chief Judge. He has recently retired from this honor. Judge Reardon has been recognized far beyond Adams County and his Circuit.

On the state level Judge Reardon has been a member of the Illinois Judicial Inquiry Board, the appointment to which by the State Supreme Court is but one of many outstanding services rendered to the state. On the national level Judge Reardon has served as chairman of the National Conference of State Trial Judges; as director and faculty advisor for the National College of the State Judiciary; chairman-elect and chairman of the Council for the ABA Judicial Administration Division; chairman of the Committee on Automobile Accident Reparation; chairman of the committee to obtain adoption of the Code of Judicial Conduct; and a mem-

ber of the commission on Standards of Judicial Administration. At the 1976 meeting of the American Bar Association, he received a Certificate of Tribute for service to the Judicial Administration of the ABA, recognizing his "outstanding" legal administration and judicial competence. Judge Reardon has served on numerous judicial and legal panels during his career, yet has retained interest and been active in community and civic affairs. He has been a long career devoted to the services of the law.

Succeeding Judge Reardon as Chief Judge is Judge Richard F. Schoiz. He has already had a long career of service and he is widely known throughout our state. During his term as county judge beginning in 1958, he was asked to accept the appointment as interim judge of the County Court of Cook County after Otto Kerner resigned to seek the governorship. This honor he declined because of his obligation to the people of Adams County. He later became an Associate Circuit Judge and was elected Circuit Judge of the Eighth Judicial Circuit in November 1964. Throughout his career he has been broad in his interests serving on numerous committees and commissions. His true interest has mainly been in the field of juvenile affairs where he has been especially active. He served as a member of the Advisory Board to President Kennedy's Committee on Juvenile Delinquency and Youth Crime, as a member of the Advisory Committee on the Community Services Division by the Illinois Youth Commission, on the State Advisory Board to Children's Services of the Department of Mental Health, was past Chairman of the Juvenile Problems Committee, Judicial Conference of Illinois and other similar committees too numerous to recount. He, like Judge Reardon, has always been active in the development of our courts and judicial system yet has never lost his affinity to his community manifested by serving on innumerable civic projects.

The Adams County Bar Association meets once a month, some meetings being marked principally by friendly give and take, others more serious, being discussions of problems confronting the lawyer and the Bar. The Association has observed Law Day with the enthusiasm and dignity it deserves. Thousands of students and citizens have witnessed moot court proceedings presented in the court house and in the schools of Quincy and the County. The speakers have been excellent and Judge Richard Mills of Virginia, a Judge of the 8th Judicial District, was signally honored this past year by the American Bar Association as the author of the most outstanding Law Day Speech. The bar and judges are presently working with a committee to reopen and improve the Youth Home which stems from a need to better house and care for unfortunate and delinquent children. In keeping with the times, an indigent committee has been appointed consisting of four attorneys with an assisting roster of thirty. Its two sessions a month, meeting with clients, and advising with them, have rendered a fine service to the community. At this time there is being formed an Eighth Judicial Circuit Bar Association, the formation of which is being spearheaded by the Adams County Bar. The purpose would be to standardize court procedure throughout the circuit, bring the ideas of the entire circuit to bear on problems confronting the bar and, in general, to promote friendship among the several associations in the circuit. The local bar has also for the past several years, promoted a Boy and Girl Scout Troop for those who are interested in pursuing the law as a profession. This sponsorship has proven to be both interesting and rewarding. All activities of the bar are worthwhile but their primary importance lies in the promotion of friendship and good rapport among its members.

ATA

# CASS COUNTY BAR

CASS COUNTY, SITE OF THE ARMSTRONG ALMANAC TRIAL AND ONCE HOME OF MOUND BUILDERS, IS SERVED TODAY BY TWENTY LAWYERS

By L. MILTON McCLURE\*



FORMED in 1837, Cass County is located in West Central Illinois between Sangamon County (Springfield) and the Illinois River. With a population of 14,000 persons, the county is agriculturally oriented with some light and medium industry located in the Illinois River valley at Beardstown.

Beardstown, the oldest community in the county, was platted in 1829. Originally occupied by Illini and Mascouten Indians, the village had once been the home of the Mound Builders who constructed a mound over 80 feet high and 500 feet in

diameter. The community was designated the first county seat and court was held there for the first time on November 13, 1837 with the grand jury returning thirty indictments: two for selling liquor illegally, one for murder, and twenty-seven for gaming and keeping a gaming house. (The jury was evidently no respecter of persons, for among those indicted for gaming was a high official of the court and county!)

In 1839 the county seat was officially moved to the City of Virginia by legislative act. However, the official records remained in Beardstown for several weeks until taken to Virginia by citizens of that community

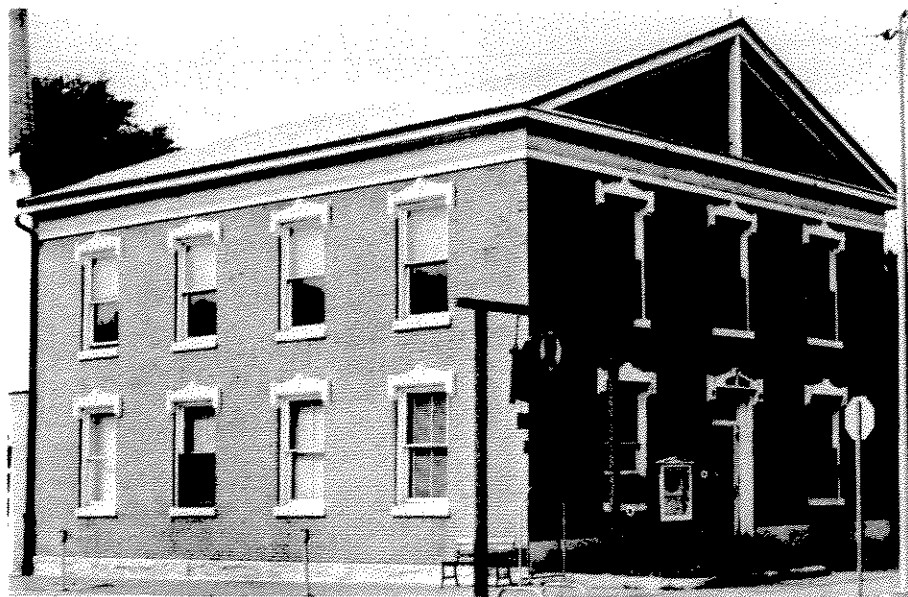
with great stealth and under cover of darkness. In 1845 the county seat was once again moved to the City of Beardstown where it remained until the Supreme Court determined the outcome of a hotly contested election in 1872 which returned the county seat to Virginia. *City of Beardstown v. City of Virginia*, 76 Ill. 34, 1874; rehearing 81 Ill. 541, 1876.

The famous "Duff Armstrong Almanac Trial" was held in Beardstown on May 7, 1858. At the time no very great importance was attached to the case except by the parties directly interested. The notoriety was occasioned solely by the fact that Abraham Lincoln appeared for the defendant, Duff Armstrong, and by his able management of the case and his eloquent argument to the jury succeeded in clearing his client by using an almanac to discredit the testimony of the prosecution's chief witness. History records the incident to prove the humble origin and philosophy of Mr. Lincoln who just three years prior to his election as President served as defense counsel without pay for the son of a friend with whom he boarded in New Salem more than 20 years previously.

Many hours have been spent by law students considering the following document which purports to be a deed written in poetry by a Cass County lawyer. Is it a valid deed?

I, J. Henry Shaw, the grantor herein,  
Who lives at Beardstown — the county  
within,

\* Of Beardstown, member of Cass County Bar Association.



The Beardstown courthouse where the famous "Duff Armstrong Almanac Trial" was held May 7, 1858. Lincoln used an almanac in the trial to discredit the testimony of the prosecution's chief witness and win acquittal of his client, Duff Armstrong.



## CASS (cont.)

For Seven Hundred Dollars to me paid today

By Charles E. Wyman, do sell and convey —

Lot Two (2) — in Block Forty (40) said county and town,

Where Illinois River flows placidly down,

And warrant the title forever and aye, Waiving homestead and mansion, to both a goodby.

And pledging this deed is valid in law, I add my signature.

Dated — July 25, 1881

\_\_\_\_ (seal)  
J. Henry Shaw

I, Sylvester Emmons, who lives at Beardstown,

A Justice of Peace of fame and renown, Of the county of Cass in Illinois state, Do certify here that on the same date One J. Henry Shaw to me made known That the above deed and name were his own,

And he stated he sealed and delivered the same

His homestead therein but left all alone

Turned his face to the street and his back to his home.

Dated — August 1, 1881

\_\_\_\_ (seal)  
S. Emmons J. P.

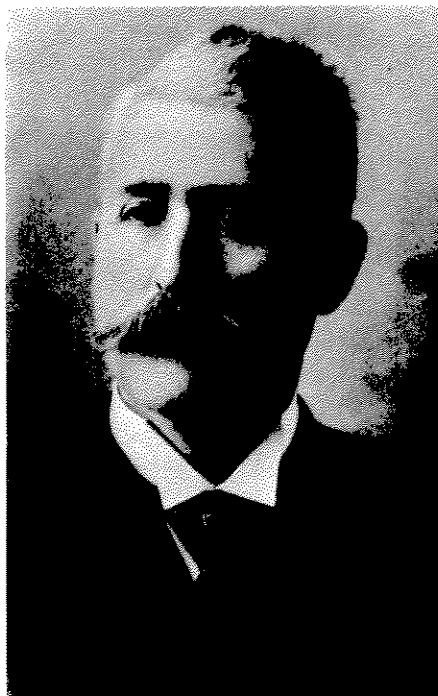
There are presently 20 attorneys who are members of the Cass County Bar Association of whom two are serving as Judges. The two Judges are Circuit Judge Fred W. Reither and Appellate Judge Richard H. Mills, both of Virginia, Ill.

Two families have served the county in the legal profession for a century and their descendants continue this tradition: Richard W. Mills commenced practice in 1870 and Milton McClure in 1881.

The former became a member of the Illinois State Bar Association in 1877, the year the ISBA was founded. Two sons of Richard W. Mills became lawyers — Epler C. Mills, now practicing in Virginia, Ill., a former State

Senator, and Myron E. Mills, Jacksonville, a former Assistant Attorney General of Illinois, now deceased. Richard H. Mills, Virginia, son of Myron Mills, is, as mentioned, an Appellate Judge of the Fourth District.

Milton McClure's son, Lloyd M. McClure, was also a lawyer and practiced in Beardstown. Lloyd M. McClure is survived by a son, Milton McClure, and the latter's two sons, L. Milton McClure and George S. McClure, all three of whom practice law in Beardstown. Milton McClure's brother, James E. McClure, also a lawyer, practices in Elmhurst.



Richard W. Mills, Virginia, grandfather of Appellate Judge Richard H. Mills, Virginia. The former became a member of the Illinois State Bar Association in 1877, the founding year of the ISBA.



Richard H. Mills, Virginia, who was elected an appellate judge of the 4th Appellate Court district in 1976, after serving several years as a Circuit Judge of the 8th Judicial Circuit.

# CHRISTIAN COUNTY BAR

## TWO MEMBERS OF CHRISTIAN COUNTY BAR WERE MEMBERS OF THE SUPREME COURT OF ILLINOIS

By SCOTT HOOVER\*



THE lawyers of Christian county have practiced in three courthouses. The first one was a small frame building on the corner of the Taylorville square. At present, it is on the grounds of the Christian County Historical Society and has been restored to its original condition.

It is hallowed ground. There practiced Abraham Lincoln and Stephen A. Douglas. Circuit Judge David Davis of Bloomington, later a member of the U.S. Supreme Court, held court there. This was while "Christian" was still Dane County, before an influx of Kentucky settlers resulted in the

change of its name after Christian County, Kentucky. At this time the county was in the 8th Circuit. Later it was placed in the 17th Circuit and later still in the 4th in which it presently is located.

The county has had many prominent lawyers, two of whom, James Ricks and Harry B. Hershey, served in the Illinois Supreme Court.

The second court house was built after the Civil War and was placed in the center of the Taylorville square, where the present building, built in 1902, is located. This edifice is of concrete blocks, resembling stone and was recently "done over" on the third floor where three small court rooms now do a rushing business. The writer confesses himself an "old timer" when he expresses dislike of the modern tiny court rooms which have become, necessarily, the vogue and admits that he misses the old "barn loft" court rooms, a few of which are still to be found here and there in the state.

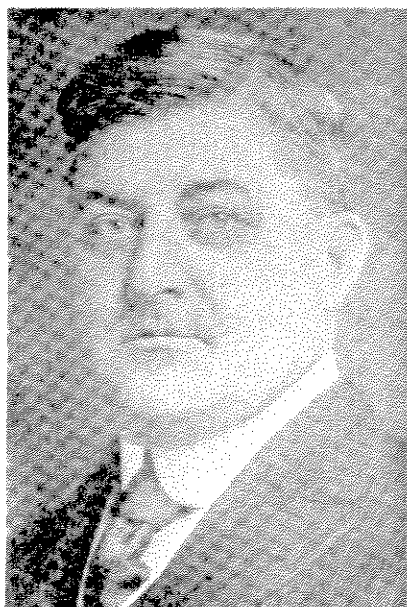
The Christian County Bar Association was founded in 1905, with John E. Hogan elected its first President and A. D. Sittler its first secretary-treasurer.

The writer recalls a humorous incident occurring shortly after his own admission in 1935. Mr. Sittler was still treasurer and one of the elder members was J. A. Merry, a very competent but very irascible and "contrary" lawyer. Merry refused to pay his dues until Sittler made a full report of the financial condition of the Association. Sittler, also a hard-headed man, refused to "report" until Merry

"paid up". Finally, somehow, the impasse was broken. The books balanced to a penny, as everyone knew they would, and "Jack" Merry "paid up", as everyone knew he would.

Another humorous incident is recalled. When Lincoln and Douglas were, at one time, here in the "old days" some hogs got loose under the courthouse and made a fearful racket. With a perfectly straight face, Lincoln rose and said, "Your Honor, I move the Court to issue a Writ of Quietus to be served by the sheriff, on those critters so we can hear ourselves think!" What was actually done, history does not say!

\* Of Taylorville, member of Christian County Bar Association.



Walter M. Provine, Taylorville, President of the Illinois State Bar Association in 1918-19.



Harry B. Hershey, Taylorville, a member of the Illinois Supreme Court from 1951 to 1966 and Chief Justice in 1955 and 1956 and 1961 and 1962.

## CHRISTIAN (cont.)

The Association has always been a forerunner on civic matters in the county and is still quite active and meets regularly, sometimes with "outside" speakers to keep us country boys (and girls) up to date!

At present, the President is Robert Broverman of Taylorville, and the secretary-treasurer is Robert Beyers of Pana.

One of Christian County's lawyers — Walter M. Provine — had the distinction of being President of the Illinois State Bar Association. Serving as President in 1918-19, Mr. Provine also was one of the signers of ISBA's charter which was granted by Secretary of State Lewis G. Stevenson, father of the late Governor Adlai E. Stevenson, on March 1, 1916.

The writer recalls the "old days" when every jury trial was a personal combat between counsel. He remembers Honorable Harry B. Hershey, his son Richard, Carl H. Priehs of Pana,

John Fibley of the same city, John E. Hogan, Leslie Taylor, Charles E. Bliss, John W. Coale, State's Attorney during the terrible "mine war" of the 30's, Harold Broverman and others who bristled, roared and "fought like tigers", much to the amusement of juries, and who were tough opponents in Court, as the writer, a very mild

sort of "barrister", learned many times in his day.

All this has passed by in Christian County and probably the administration of justice has been enhanced, certainly the decorum of the court rooms, but to this "old timer", now retired, it "isn't any fun anymore".



Amos M. Pinkerton, Hot Springs, Ark., practiced law for many years in Taylorville before becoming Executive Director of the Illinois State Bar Association in 1952.



The Christian County Courthouse in Taylorville.



# COLES COUNTY BAR

LINCOLN PRACTICED EXTENSIVELY IN COLES COUNTY AND MANY OTHER LAWYERS OF NOTE, INCLUDING CARL ALBERT, RESIDED IN THE COUNTY

By CRAIG VAN METER\*



COLES County has always had a most honorable and active Bar. We have been indeed fortunate to have such capable lawyers practicing in this county. They are indeed a credit to themselves and this community.

The Coles County History of 1879 states on page 292 thereof about the first Charleston lawyer as follows:

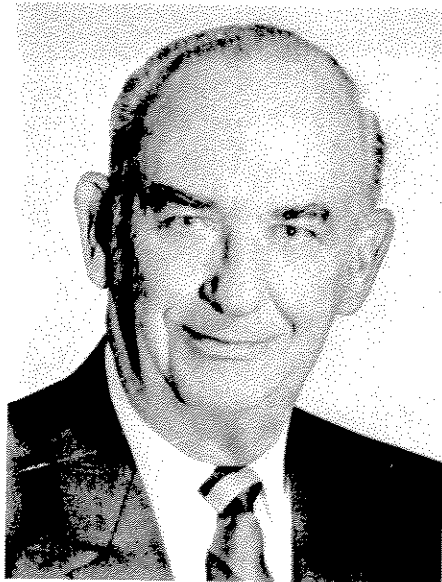
"Col. A. P. Dunbar came from the 'Dark and Bloody Ground.' He is a native of Fleming County and came to Illinois in 1828 but returned to Kentucky where he read law and was admitted to the bar, and in 1831 came back to Coles County and located in Charleston and was the first lawyer to hang out a 'shingle' in this city."

The first Courthouse was erected in Charleston in 1831 down by the town branch. (Coles County History 1879, page 245.) The Coles County History of 1906 contains a photograph of the Courthouse erected at the present location in 1835 with the addition thereto added in 1865.

Abraham Lincoln, of course, was well known in this county. Doctor Coleman's book "Abraham Lincoln and Coles County, Illinois" has a chapter telling about Lincoln's law practice in Coles County. This was not Lincoln's home, which was Springfield, but the book points out that from 1841 to 1857 Lincoln had considerable law business in Coles County. Lincoln's father and step-mother had a cabin at one time not far from Shiloh Cemetery where they are now buried.

Lincoln also visited in this county with other relatives.

Lincoln had a lawyer contemporary in Charleston, Illinois, Col. Orlando B. Ficklin. Ficklin had been a member of Congress when Lincoln was also a member. Col. Ficklin was a Democrat and not a member of Lincoln's Republican party. At the time of the Charleston debate on September 18, 1858, when Lincoln was running against Stephen A. Douglas, Col. Ficklin was on the platform of the Charleston debate sitting with Mr. Douglas, and in his speech Douglas made a statement that Lincoln had voted in Congress against sending supplies to our troops in Mexico during the Mexican War. Thereupon,



H. Ogden Brainard, Charleston, President of the Illinois State Bar Association in 1970-71.

Lincoln jumped up and grabbed Col. Ficklin and took him to the front of the platform and told the crowd that Ficklin knew that was not true. Ficklin, who was sitting with Douglas, looked astonished and according to local tradition said that Lincoln was correct.

However, Dr. Coleman in his book, said what Ficklin actually said was that Lincoln had voted for a resolution that the President had done wrong in sending troops to Mexico in the first place. The said Resolution, however, did not prohibit the sending of supplies to the troops who were in Mexico.

Col. Ficklin was a very experienced trial lawyer. He was attorney for individual plaintiffs in the early days in many railroad crossing accident cases. In one of these cases he summarized the testimony of the witnesses for the railroad, who testified for the railroad against Ficklin's client and told the jury in his closing argument the following, "They saw with but a single eye, they heard with but a single ear and their tales tracked like the wheels of a new Schuttler wagon."

Col. Ficklin was one of the 88 lawyers who met on Jan. 4, 1877 in Springfield to organize the Illinois State Bar Association.

My grandfather, James W. Craig, was born in 1844 and raised and lived in Morgan Township, Coles County, Illinois. He was younger than Col. Ficklin. After teaching school to earn

\* Of Mattoon, member, Coles-Cumberland County Bar Association.

## COLES (cont.)

money to go to law school, he went to the University of Michigan taking a two year law course where he graduated after two years and later was admitted to the bar as a lawyer in 1867. Grandfather often told about how he was admitted. They had different court districts then but apparently we were even then in the same court district as Danville, Illinois, the home of the Honorable Joseph Cannon, a lawyer who was in the House of Representatives of the United States, and who for many, many years was the Speaker of the House and the most powerful political person in the Congress. When my grandfather applied to the Court to be admitted to the bar the Judge asked Uncle Joe Cannon, as he was called, to examine my grandfather. Grandfather said Uncle Joe asked him a few questions and after my grandfather answered the questions Uncle Joe said "Jim, I'm damned if I know whether you answered all of these questions right but you should have; you've received a diploma from the University of Michigan, you should know. I pass you," and the Court then admitted him to practice law. After being admitted my grandfather was associated with Col. Ficklin in his office in Charleston from 1867 to 1868, when he moved to Mattoon and opened his office in the same building in the 1800 block of Broadway in Mattoon where the Craig & Craig law office is still located. For years, from the time that the office was opened in 1868 until the early 1900's, it was customary for the lawyers in Mattoon going to Charleston to Court in the morning to catch the early freight on the Big Four about 6:30 a.m. and go to Court, returning at night on the same freight. There were no paved roads, and no automobiles. Early in the 1900's an interurban between Mattoon and Charleston was

built so that made it easier for the Mattoon lawyers to get to Court and back.

My grandfather was elected Circuit Judge in 1903 and served one term until 1909. He was a Democrat and lived in Coles County. Most of the Circuit Judges who were Coles County residents prior to that time were Republicans. I, his grandson, another Democrat was elected Circuit Judge from Coles County in 1933, thirty years later. I rode in on the coat tails of Franklin Delano Roosevelt.

Judge John Marshall was a greatly respected Judge in the Fifth Judicial Circuit. Judge Marshall of Charleston was an excellent lawyer and judge and conducted a fine court.

Ben F. Anderson, later Judge Anderson, and I tried an accident case on opposite sides in Judge Marshall's court before a jury shortly after we were both admitted to practice. In later years Judge Marshall chided us both about the manner in which we proceeded in picking the jury. We were both, at that time, quite inexperienced in Court procedure. Judge



Circuit Judge Harry I. Hannah, Mattoon, judge of the Fifth Circuit for many years, now deceased.

Marshall left a son, Thomas Marshall, a Harvard Law School graduate, who was the head of a law firm in Chicago at the time of his death several years ago.

Another Charleston judge of renown was Frank K. Dunn, who was elected to the Supreme Court of Illinois for three 9 year terms, a total of 27 years. On his retirement he was associated for several years with Mr. James Y. Kelly, a lawyer of Charleston, Illinois, now deceased. Mr. Kelly had been Judge Dunn's secretary and clerk when Judge Dunn was on the Supreme Court.

Also, a Charleston Circuit Judge was Judge Charles A. Shuey, who was a very fair and honorable man. When I think of Judge Shuey I am always reminded of when Casper Platt of Danville, Grendel Bennett of Marshall and I, three young Democrats, were running for Circuit Judges in 1933 against the three Republican sitting Judges of whom Judge Shuey was one. We campaigned vigorously and one day we went to a small Church near Westville south of Danville. We all three made our talks. Neither Judge Shuey, nor any of the Republicans were there. When we finished one of the deacons said to us, "Which one of you men is Judge Shuey? He is the one I'm for."

John Kincaid was also a well known lawyer in Charleston and County Judge not too many years ago as was also Judge T. Noble Cofer.

Charles C. Lee of Charleston was a man of strong character and had a fine sense of humor. He was an individual who had his own opinions and stuck with them. He wrote very excellent poetry, some of which has been preserved.

Albert Anderson was a most capable Charleston lawyer. He and his two sons, Ben F. Anderson, later Judge, and Herbert Anderson, later a City Judge of Charleston, who moved to Chicago and became General Counsel of the Pullman Company, were a most

successful and respected law firm in Charleston.

H. Ogden Brainard of Charleston, member of the firm of Brainard, Bower & Kramer of Charleston, is one of the most respected lawyers in Illinois. He was President of the Illinois State Bar Association in 1970-71 and presently is a Delegate to the House of Delegates of the American Bar Association. This is an honor that very few lawyers will ever attain.

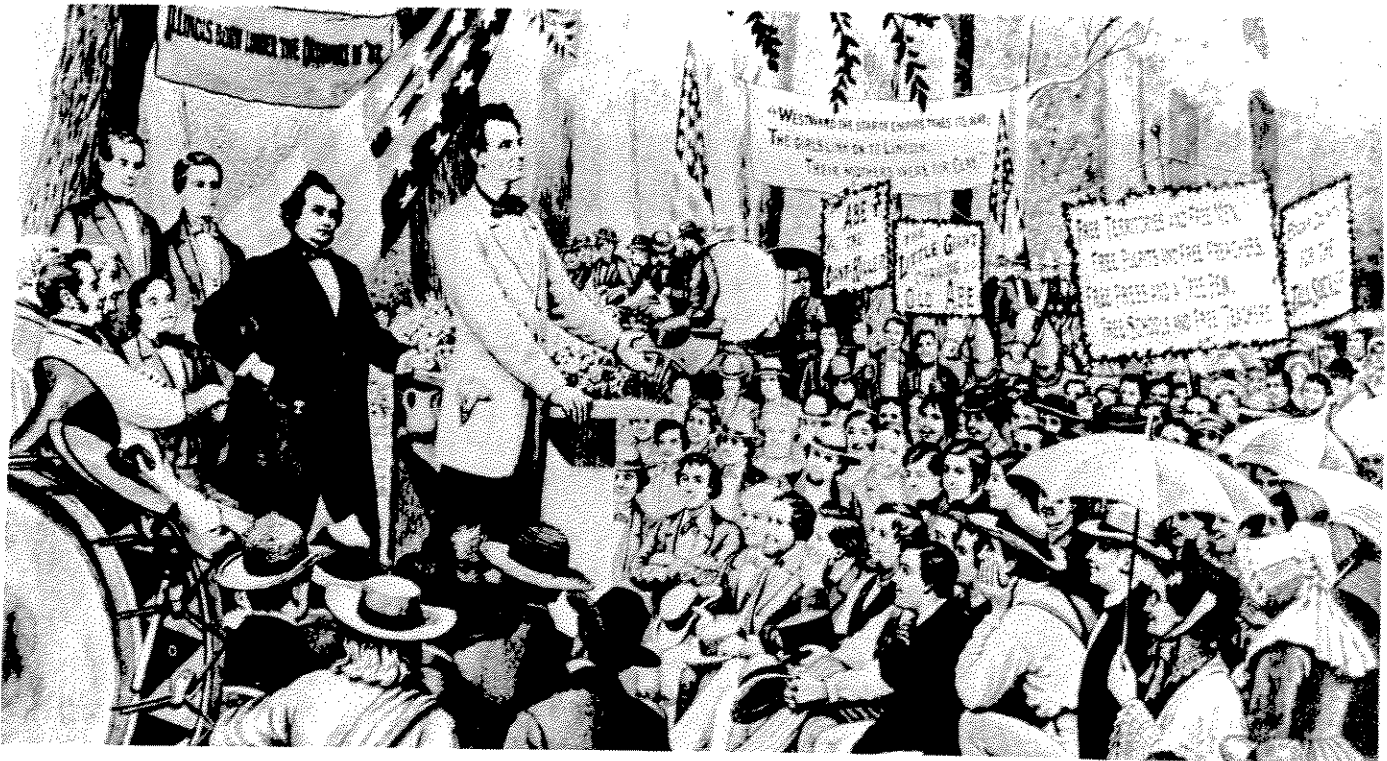
In Mattoon for many years one of the leading law firms was the firm of James Vause and Carl Kiger. They were both able lawyers and fine gentlemen. They are both now deceased. In the Craig & Craig law firm the original partners were Judge James W. Craig and Isaac B. Craig, his brother. Isaac B. Craig was ten years younger than James W. Craig and joined the firm at a later date than 1868. Later Isaac B. Craig, who is now deceased, left the firm and was with the firm of Craig & Kinzel for a number of years.

After he left the firm, Edward C. Craig, James W. Craig, Jr. and Donald B. Craig, all sons of Judge James W. Craig, joined the firm. They are all now deceased. Edward C. Craig left the firm in 1923 to go to Chicago with the Illinois Central Railroad and later became General Counsel of that firm. Two other fine partners of the firm of Craig & Craig were Fred H. Kelly and Robert M. Werden. They were both able lawyers and were with the firm for many years.

Another former attorney in Mattoon during the oil boom was Carl Albert, who came here about 1938 or 1939 with Tom E. Grace, now Judge Grace, in the Land Department of The Carter Oil Company. Later the two opened their own office in Mattoon. Carl Albert is a graduate of the University of Oklahoma and a Rhodes Scholar. When World War II came along Albert and Grace both were in the army and Albert became a Lieutenant Colonel. After the war he returned to

Oklahoma and ran and was elected to the U.S. House of Representatives for several terms and became Speaker of the House of Representatives, one of the highest positions in Washington. Carl was born in the small town of Flowery Mound, Oklahoma also known as Bug Tussle.

I previously mentioned the firm of Craig & Kinzel. Mr. Fred Kinzel later opened his own firm after Isaac B. Craig had retired, and later William Kidwell became associated with Mr. Kinzel in the practice of law. He was a most careful and efficient lawyer and he was a former member of the Mattoon School Board and took much interest in school athletics. He never married. He was a financially successful man and gave Kinzel Field to the Mattoon School District and in his will left a sum of money to every stenographer who had ever worked in his office. During his lifetime and in his will he also provided for a sister.



Lincoln and Douglas staged one of their debates at Charleston on September 18, 1858 as shown here. Other debates were held at Ottawa on August 21, Freeport on August 27, Jonesboro on September 15, Galesburg on October 7, Quincy on October 13 and Alton on October 15.

## COLES (cont.)

Another lawyer to whom Mattoon owes much was Judge Clarence Douglas, who served for many years as City Judge of the City Court of Mattoon. He was a most capable judge and successful in his business. When he passed away he left a large sum of money for the establishment of the Douglas Nursing Center. Mrs. Helen Douglas Hart, his widow, established a city park on Lafayette Avenue and 17th Street in honor of the memory of Judge Douglas. When Clarence and Helen were married, some of the young people, including the Fred H. Kellys, the McClintocks, and Lloyd Moores and the Van Meters, decided to surprise them at their residence on Lafayette Avenue in Mattoon shortly after they returned from their honeymoon. It was in the dead of winter, terribly cold. The McClintocks lived on a farm at the northeast edge of Mattoon and had horses, mules and a sleigh. Stan

McClintock put a hay rack on the sleigh and hitched a team of mules to the sleigh and we all rode down Broadway in zero weather in the sleigh with Marjorie Kelly, who was then pregnant, riding one of the mules and Florence Groniger McClintock riding the other mule. We drove to the Douglas house and beat on the door and after a while Douglas came up from the basement, where he had been working on the coal furnace which was not working properly. Clarence and Helen let us all in and we had a fine evening.

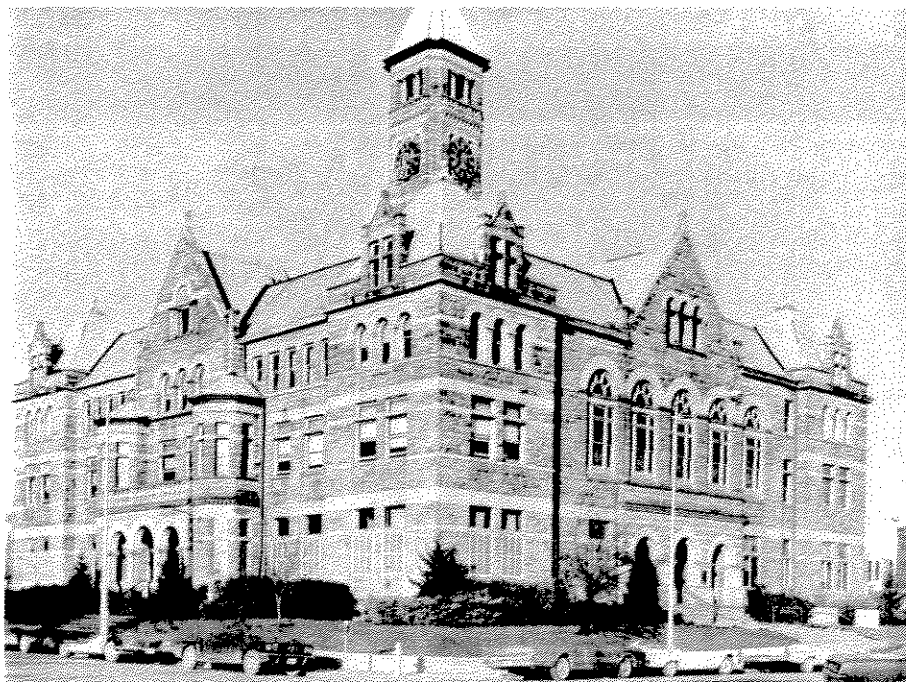
City Judge John McNutt of Mattoon, who has been deceased for many years, was a well known lawyer and City Judge in Mattoon. Bryan H. Tivnen was another active, well known and successful lawyer in Mattoon. Thomas Figenbaum, also deceased, was a younger lawyer associated with Mr. Tivnen for a number of years.

Figenbaum used to tell this story on himself. A young Chinese boy in his teens worked for Walter Davison, a company lawyer in Mattoon with the Carter Oil Company, during the oil

boom starting in the late 1930's. The Chinese boy's name was Jo Wing Dot. Figenbaum became acquainted with Jo at the Hotel U.S. Grant where many of the oil men transacted business. One day Figenbaum said to this Chinese boy, "Jo Wing Dot, that's a funny name." Jo then replied "Figenbaum is a funny name too!"

I feel that I am neglecting many able lawyers in Coles County. We have many lawyers who were State's Attorneys and also, we are fortunate to have such excellent and responsible judges who live in our county, headed by Chief Circuit Judge Jacob Berkowitz. I feel that they are all administering their duties and offices in an excellent manner and to the best of their ability.

We also greatly miss Circuit Judge Harry I. Hannah, now deceased. He was an able lawyer and a good judge. There is much more that could be said and favorable comments that could be made about the lawyers who are not living and practicing in Coles County but as I said before, that is not yet history. What is history are those who preceded us in the past and the good records that they have all established.



The Coles County Courthouse.



Attorney Craig Van Meter, Mattoon, a partner in the firm of Craig & Craig which has been in existence for more than a century.

# DeKALB COUNTY BAR

A GOVERNOR, AND A FEDERAL APPEALS JUDGE  
CAME FROM THE RANKS  
OF THE DE KALB COUNTY BAR

By ROY C. RACINE\*



DE KALB County is privileged to have been served by many illustrious members of the Bar during its history, some of whom have attained the high distinction of being elevated to serve as a Justice of the Supreme Court of Illinois, others to serve as members of the United States Federal District Court or the United States Circuit Court of Appeals.

The first session of the Circuit Court of DeKalb County was held on October 9, 1838 with Judge John Pearson, of Danville, presiding. It was held at Coltonville about two miles west of Sycamore (the present County seat), in the house of Rufus Colton.

The first courthouse was constructed in Sycamore and was ready for use in June, 1839 where it has stood ever since. Judge Thomas Ford was the presiding judge and continued as such until the year 1841.

The first lawyer to practice law in DeKalb County was John A. Cruthers who located in Coltonville when the village was laid out in 1837. He moved to Ottawa, however, when the county seat was moved to Sycamore because he sought a wider field for work.

The second lawyer who located in DeKalb County in the 1830's was Andrew J. Brown who practiced but a short while in this area. Some others who located in the county between the years 1837 and 1849 were Messrs. Masters, Favor, E. L. Mayo and W. J. Hunt. E. L. Mayo was the only one who established a perma-

nently successful practice, and remained in the county. He also served as County Judge for three terms (1849 to 1857) and also served a fourth term from 1857 to 1865. He was considered an outstanding man in his profession in his time.

In 1849 John L. Beveridge opened a law office in Sycamore, but later moved to Evanston and afterward became Governor of Illinois.

Every county in Illinois has had a number of men considered to be either leaders of men, leading advocates of the law, or leading trial lawyers. The DeKalb County Bar forms no exception in that respect, and the following are mentioned as being such outstanding members of the Bar or members of the bench in DeKalb County:

The Honorable George S. Robinson who, in 1866, became associated with the Honorable Charles Kellum and served as County Judge in the years 1877 to 1882. He was considered a man of outstanding ability in the field of law. He served under Governors John M. Palmer, John L. Beveridge, and Shelby M. Cullom on the State Board of Public Charities until he resigned for private business reasons.

The Honorable Luther Lowell, elected County Judge in 1869, served until 1879. He was an astute lawyer and by nature peculiarly fitted to be a judge and brought the probate practice in that Court to a high standard of excellence. Lowell was considered one of the best chancery and probate lawyers in northern Illinois in his time.

The Honorable Charles Kellum,

who began practice in Sycamore on March 17, 1855, became Judge of the 12th Circuit in 1879, and served until 1897. The Circuit then was comprised of DeKalb, Boone, McHenry, Lake, Kane, DuPage, and Kendall Counties. During his 18 years on the bench, he was always regarded as a fair, impartial and able judge. His rulings established many precedents which were sustained by the higher courts.

Duane J. Carnes, whose practice began in Sycamore in the year 1875 together with his partners W. C. Kellum and George W. Dunton, who were associated, it is said, in nearly all the important cases that came before the DeKalb County Bar during their time. Mr. Carnes' special forte was that of an advocate with a high degree of skill as a jury trial lawyer. He served as Circuit Judge in this county from 1907 until 1919 and was highly respected.

The Honorable W. L. Pond who began practice in DeKalb in September 1884, and became County Judge in 1898 continuing to serve in that capacity until the year 1930. He was highly esteemed by his fellowmen and was considered an outstanding judge with legal acumen; he served as a judge longer than any other DeKalb County Judge.

The Honorable Charles A. Bishop began practice in Sycamore in 1880, and was elected County Judge in 1890. He was elected Circuit Judge

\* Of Sycamore, member of DeKalb County Bar Association for more than 48 years practicing in DeKalb County and a privileged member of Illinois State Bar Association.



## DE KALB (cont.)

of the 16th Judicial Circuit in May 1898, which circuit was then comprised of DeKalb, Kane, DuPage and Kendall Counties. He had a good legal mind and was considered an outstanding and impartial judge.

Thomas M. Cliffe, James W. Cliffe, and Adam C. Cliffe, (three brothers who located in Sycamore) began a partnership in the practice of law in the year 1891. Thomas M. Cliffe was a noted trial lawyer and was counsel in many noted trials which took place in DeKalb County and surrounding counties. He was considered a vigorous advocate both in law and in politics in this part of the state. James W. Cliffe was also noted as a skillful trial lawyer and was very active in politics. Adam C. Cliffe, the youngest member of the firm, was a very highly respected attorney. He was commissioned Circuit Judge of this county on February 16, 1920 and served until he was appointed to the United States District Court in Chicago in 1923. He served in that capacity until June 12, 1928. He was highly respected by all members of the Bar who knew him and attained a high respect as a judge.

The Honorable Cassius Poust served as State's Attorney of DeKalb County for two terms, and became Circuit Judge of the 16th Judicial Circuit on June 5, 1951, which circuit included DeKalb, Kane, DuPage, and Kendall Counties. He served in that capacity until December 18, 1969, when he retired on account of poor health. In addition to being considered an outstanding lawyer and citizen in his community, he became a member of the Illinois National Guard in Sycamore in 1917, and served in the military service of his country in the first and second world wars, ending his career in the military service as a Brigadier General. He was also an Assistant United States District At-

torney in Chicago under the United States District Attorney George E. Q. Johnson during both his terms.

The Honorable William J. Fulton was admitted to the bar in the year 1900, and came to Sycamore in that same year. He became associated with the firm of Carnes, Dunton, and Faisler, a prominent law firm in Sycamore. In the year 1904, he opened his own office in Sycamore and continuously carried on his law practice which was extensive in nature, until March 29, 1923, when he was commissioned a Circuit Judge of the 16th Judicial Circuit in DeKalb County, and served in that capacity until 1942, when he was elected to the Supreme Court of the State of Illinois. He served as a member of the Supreme Court until late in the year 1954, when he resigned because of the continued ill health of his wife. He was Chief Justice of that Court in 1944-1945, and again in 1948-1949. During all his years on the bench, he was much revered by all the members of the

Bar in Illinois and was highly respected as a judge, with outstanding judicial temperament, and at all times a fair and impartial judge. He also was possessed of a good legal mind.

The Honorable Latham Castle served as State's Attorney for DeKalb County beginning in the year 1928 and for three successive terms. He then served as County Judge from 1942 to 1950. He also served as Attorney General of the State of Illinois beginning January 1, 1953, and retired from that office in May 1959, when he was appointed to the United States Circuit Court of Appeals by President Eisenhower. He is still a Justice of that Court serving in a Senior Status. He was Chief Justice of that Court in the year 1968. His career in the legal profession has been outstanding and he enjoys the respect of everyone in this county.

The Honorable Carl A. Swanson Jr. served as State's Attorney of this County beginning in the year 1956, and continued to so serve until the year 1963, when in December of that year he was commissioned Circuit Judge of the 16th Judicial Circuit. He is presently Chief Circuit Judge in DeKalb County. He has conducted himself as a judge with good judicial temperament and lends every effort to be fair and impartial in the legal matters which come before him.

There of course have been many other members of the Bar in this County who have been able advocates in the exercise of their profession. However, since space does not permit including every member, we have regretfully been forced to include only those whom the various historians have pointed out to the writer as being the most outstanding in their estimation.

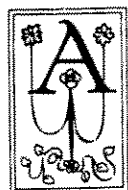


Latham Castle, Sandwich, served as Attorney General of Illinois from 1953 to 1959.

# EFFINGHAM COUNTY BAR

ADA H. KEPLEY, A MEMBER OF THE BAR  
OF EFFINGHAM COUNTY,  
WAS ILLINOIS' SECOND WOMAN LAWYER

By JAMES S. PARKER\*\*



ADA H. Kepley applied for a certificate to practice law to Mr. Charles Reed who said he was willing personally to give certificates to the ladies to practice but the law prevented them from entering the learned profession. Mr. and Mrs. Henry Kepley prepared a bill in 1871 to allow women the right of admittance which was presented by Capt. Ed Harlan of Marshall, who was representing this Senatorial District in 1871-72. The bill was ably defended by such men in the Lower House as Judge J. B. Bradwell, of Chicago, and Mr. Reddick of Ottawa and others and it passed and became a law during that session. Mrs. Kepley applied for admission to the bar at Springfield, and was admitted January 13, 1881. She was the second woman lawyer to be admitted to the Bar of Illinois and was an honorary member of the Illinois State Bar Association from the year of her admission until her death, June 14, 1925.

Effingham County has had 55 lawyers since 1858. The 55 and their year of admission to the bar are listed below.

* Wm. Brewster .....	1854
* W. J. Stephenson .....	1854
* Benjamin F. Kagay .....	1855
* Henry B. Kepley .....	1862
* Benson Wood .....	1864
* William Barlow .....	1868
* Virgil Wood .....	1868
* Erastus H. Rinehart .....	1871
* John C. White .....	1872
* J. N. Gwin .....	1873
* Rufus Harraugh .....	1874
* Ada H. Kepley .....	1881

* Ferdinand W. Loy .....	1882
* William B. Wright .....	1882
* David L. Wright .....	1884
* G. F. Taylor .....	1889
* Harry S. Parker .....	1896
* M. O'Donnell .....	1896
* M. C. McCallen .....	1897
* Harry J. Rickelman .....	1898
* George Danks .....	1901
* Byron Piper .....	1906
* G. P. Denton .....	1908
* Walter Rinehart .....	1908
* Ray Stroud .....	1910
* Paul Taylor .....	1911
Walter C. Klitzing .....	1914
* D. Lester Wright .....	1914
* George H. Bauer .....	1918
R. M. Michaelree .....	1924
* Harold J. Taylor .....	1924
* John Zimmerman .....	1924
* William L. Broom .....	1926
* Joseph B. Siemer .....	1934
Howard S. Parker .....	1936
Maurice A. Rickelman .....	1940
A. L. Anderson .....	1942

Frank H. Schniederjon .....	1942
George H. Dehn .....	1949
Jack M. Michaelree,	
Circuit Judge .....	1951
James S. Parker .....	1958
Thomas F. Taylor .....	1960
F. Ronald Ealy .....	1961
Fred Hicks .....	1961
Richard H. Brummer .....	1967
Frank G. Schniederjon .....	1967
Q. Anthony Siemer .....	1969
Wm. Austin .....	1970
Dennis Berkbighler .....	1972
Steven Seymour .....	1972
Michael Weber .....	1974
Glen L. Bower .....	1974
James R. Harvey .....	1975
Marilyn Resch .....	1976
Jim L. Stortzum .....	1976

\* Deceased.



\*\* Of Effingham, member of Effingham County Bar Association.

The Effingham County Courthouse in Effingham.



# FULTON COUNTY BAR

FROM THE FULTON COUNTY BAR CAME MEN  
WHO WERE TO SERVE AS A UNITED STATES  
SENATOR, ACTING GOVERNOR, FEDERAL JUDGE,  
STATE SUPREME COURT JUSTICE, CONGRESSMEN,  
STATE LEGISLATORS AND APPELLATE  
AND CIRCUIT JUDGES

By JUSTICE ALBERT SCOTT\*



FULTON County was created by the legislature on January 28, 1823, and for a short space of time encompassed approximately one-fourth of the area of our state. Its northern border reached all the way to what is today the state of Wisconsin. Fulton Countians can boast of the fact that the present county of Cook was for the space of two years within its confines and under its county jurisdiction.

When founded Fulton County was part of the first judicial circuit which consisted of the additional counties of St. Clair, Madison, Bond, Washington and Pike.

The first session of court in Fulton County convened on April 26, 1824, and the presiding judge was John Reynolds. Lewistown, named after Lewis Ross, the son of Ossian M. Ross, the county's founding father, was and has always remained the county seat. In expectation of its first session of court a courthouse had been constructed in 1823. It was a log structure, one and one-half stories high measuring 26 by 30 feet. It could boast of glass windows, two fireplaces and had been built at a cost of five hundred dollars.

Hugh R. Coulter was the county's first circuit clerk and in 1825 became the first lawyer admitted to practice in the county. Other pioneer lawyers who were among the first to practice

law in Fulton County were E. T. Warren, W. C. Osborn, and William Elliott. In the 1830's a prominent practitioner before the court was Orville H. Browning of Quincy.

Early circuit riding judges who were to preside in Fulton County were John York Sawyer, Samuel D. Lockwood, Richard M. Young, James Harvey Ralston, Peter Lott and Stephen A. Douglas. Fulton County, which lies in the heart of Spoon River Country, politically became Douglas territory. Both in the senatorial campaign of 1858 and the presidential campaign of 1860 Douglas carried Fulton County over his opponent, Abraham Lincoln.

A Lewistown Lawyer, Hezekiah Morse Wead, was a delegate to the convention which drafted the Constitution of 1848. This constitution created the office of county judge and divided our state into nine judicial circuits. Fulton County was included in the 5th circuit and the presiding judge was William A. Minshall. By 1850 Fulton County had become a part of the newly created 10th circuit and William Kellogg, a resident of Canton, became presiding judge. Kellogg was to enjoy a successful career as a jurist, state legislator, congressman, Colonel in the Civil War, Chief Judge of the Nebraska Territory, and a very close friend of Abraham Lincoln.

A fascinating member of the Fulton

County Bar immediately preceding the Civil War was William Pitt Kellogg. This gentleman was a Cantonian and first attained prominence as a delegate to the Bloomington Convention held in 1856 which organized the Republican Party in our state. In 1860 he was a delegate to the Wigwam Convention that nominated Abraham Lincoln for the presidency. In 1861 he was appointed as chief justice of the Nebraska Territory. He resigned this position to become a colonel in the 7th Illinois Cavalry Regiment. In 1865 one of Lincoln's last appointments was to place William Pitt Kellogg in office as Collector of Customs for the port of New Orleans. In 1868 he was elected to the United States Senate from Louisiana and in 1872 was elected governor of that state. In 1877 he was again elected to the United States Senate and in 1883 he was elected as congressman from Louisiana. He had a hectic, troublesome and frequently dangerous career as a northerner in the reconstruction period of the south following the Civil War. William Kellogg and William Pitt Kellogg, though at one time partners in the practice of law and while in many respects having similar careers, were not related.

Other circuit judges to preside at

\* Of Canton, former Public Defender, County Judge, State Senator, presently Circuit Judge serving by appointment on Appellate Court of Third District, Ottawa.



Lewistown while the 1848 constitution was in effect were Judges Ira O. Wilkinson, Hezekiah M. Wead, Onslow Peters, Oniac C. Shinner, John S. Thompson, Pickney H. Walker, John S. Bailey, Chauncey L. Higbee and Joseph Sibley.

After the adoption of the Constitution of 1870 a native of Lewistown, Simon P. Shope, was elected to the circuit bench and later had the distinction of being the only Fulton Countian to serve on the Illinois Supreme Court. Shope, born in the pioneer year of 1834, lived until 1920 when he died from injuries received in an automobile accident. Circuit judges who were to hold court in Fulton County under the Constitution of 1870 were Chauncey L. Higbee, Simon P. Shope, John H. Williams, Charles J. Scofield, John C. Bagby, Oscar P. Booney, Jefferson Orr, John J. Glenn, George W. Thompson, John A. Gray (resident of Lewistown), Robert J. Grier, Harry M. Waggoner (resident of Lewistown and also served on the Appellate Court), Walter C. Frank, Willis F. Graham, George C. Hillyer, Riley E. Stevens, Loren E. Murphy (a resident of Monmouth who was also to be elected to the Supreme Court), William M. Bardens (who also served a number of years on the Appellate Court), Burton A. Roeth (resident of Canton who was also to serve on the Appellate Court), Gale A. Mathers, Keith F. Scott, and Albert Scott (resident of Canton and who also has served on the Appellate Court).

A very prominent and able member of the Fulton County Bar, who was to be the only Fulton Countian to serve on the federal bench, was Frederick O. Mercer who served as federal district judge from 1956 until his death in 1966.

Fulton County throughout its history has had an abundance of able lawyers; one hesitates to select a few for mention in an article which of necessity must be brief, for fear of



Fulton County's third courthouse at Lewistown, where Lincoln once made a political speech, was destroyed by fire on December 14, 1894. The famous lawyer-poet, Edgar Lee Masters, who once practiced law in Fulton County, recalled the burning of the courthouse in his "Spoon River Anthology."

omitting someone who should be recognized. Be that as it may it is compelling that a few who became leaders in their profession and in the political arena should be listed. Among them are Burnett M. Chipperfield, a brilliant, powerful and domineering lawyer who served in the Illinois legislature, the United States Congress, and as Colonel in World War I. Robert B. Chipperfield, a son, was to serve for twenty-four years in Congress. W. S. "Billy" Jewell was to serve as State's Attorney, State Senator and County Judge. During his lifetime he engaged in twenty-six political contests and was victorious in twenty-two of them. While president pro tem of the Illinois State Senate he briefly served as governor during the absence of the governor and lieutenant governor. He achieved fame as a trial lawyer in criminal cases and was either prosecutor or counsel for the defense in at least forty-one cases where the penalty could have been the death sentence. W. S. "Billy"

Jewell at the age of 82 wrote a most interesting and informative book entitled "50 Years In Law and In Politics."

Reed F. Cutler, a Lewistown attorney, indelibly carved his name in Fulton County history by virtue of his political career. After serving as State's Attorney he then served 28 years in the Illinois House of Representatives where he became a political power. Glen Ratcliff of Lewistown became a leading lawyer not only in his county but throughout the state and was recognized as an expert in drainage district law. He was the draftsman for the early drainage district law in our state.

Fulton County has had four courthouses. The second courthouse was a two-story frame building constructed in 1830 at a cost of \$649.00. In 1838 the county built a brick courthouse which at that time was considered one of the finest in the middlewest. It was designed like a Greek temple and fronted with four imposing pil-

## FULTON (cont.)

lars sculptured from native Spoon River limestone. Its total cost was \$9,800.00. This structure was destroyed by fire on the night of December 14, 1894. It was believed by many that C. E. Snively, a politically powerful newspaper editor, had arranged for one Frank alias Chase Henry to receive \$200.00 to commit this alleged act of arson. There was some justification to believe that foul play had destroyed the edifice since for sixty years Canton, Lewistown and Cuba had waged bitter battles in regard to the location of the courthouse. Ultimately Henry, Snively and a number of other individuals were tried for various criminal offenses, but all were eventually found not guilty.

Edgar Lee Masters, who for a time practiced law in Fulton County, could not ignore such a momentous event as the burning of the old courthouse when he penned his "Spoon River Anthology."

"Silas Dement" was the impersonation of Frank Henry.

"Silas Dement.

It was moon-light, and the earth  
sparked  
With new-fallen frost.  
It was midnight and not a soul was  
abroad.  
Out of the chimney of the court-house  
A grey-hound of smoke leapt and  
chased  
The Northwest wind.  
I carried a ladder to the landing of the  
stairs  
And leaned it against the frame of the  
trap-door  
In the ceiling of the portico,  
And I crawled under the roof and amid  
the rafters  
And flung among the seasoned timbers  
A lighted handful of oil-soaked waste.  
Then I came down and slunk away.  
In a little while the fire-bell rang —  
Clang! Clang! Clang!  
And the Spoon River ladder company  
Came with a dozen buckets and began  
to pour water  
On the glorious bon-fire, growing  
hotter,

Higher and brighter, till the walls  
fell in,  
And the limestone columns where  
Lincoln stood  
Crashed like trees when the woodman  
fells them.  
When I came back from Joliet  
There was a new court house with a  
dome.  
For I was punished like all who destroy  
The past for the sake of the future."

A new courthouse was constructed at Lewistown at a cost of \$40,200.00. It was dedicated on May 4, 1898. It is still in use but has recently been extensively remodeled and enlarged.

In spite of folklore the author of this article has been unable to find any evidence that Abraham Lincoln ever practiced law in Fulton County. Lincoln did make several visits to Fulton County but they were of a political nature. On August 17, 1858, he spoke for two hours at a spot between the pillars of the old courthouse which was later burned.

After the new judicial article which became effective January 1, 1964, and the later implementation made to it by legislative action and the Constitution of 1970, a number of changes



Edgar Lee Masters, the famous lawyer-poet, once practiced in Fulton County. He later moved to Chicago and for a time was a partner of Clarence Darrow.

ensued regarding the judiciary in Fulton County. Ezra J. Clark, a city judge, became first an associate judge and later a circuit judge. Francis P. Murphy, a county judge, likewise became an associate and later a circuit judge. Russell A. Myers, a magistrate, became an associate judge. Upon the retirement of Judge Clark he was replaced by Associate Judge Kenneth L. Bath. Later Charles H. Wilhelm was elected to an associate judgeship by the circuit judges of the ninth judicial circuit. As now constituted Fulton County has on the bench circuit judges Francis P. Murphy and Albert Scott, the latter having been appointed to serve on the Third District Appellate Court at Ottawa. Associate Judges are Kenneth L. Bath and Charles H. Wilhelm.

At the present time in addition to the judges named the Fulton County Bar is as follows:

Gary Barnhart, Canton  
John M. Baudino, Farmington  
Ezra J. Clark, Canton (retired)  
Chester J. Claudon, Canton  
Theodore Collins, Lewistown  
Lachlan Crissey, Lewistown  
William Davis, Lewistown  
Robert Downs, Lewistown  
James J. Elson, Canton  
Ralph Froehling, Canton  
Thomas Homer, Canton  
Oral Kost, Lewistown  
Martin M. Love, Lewistown  
James Lloyd, Canton  
William H. Malmgren, Canton  
John J. McCarthy, Canton  
Lawrence B. McMunn, Canton  
F. Stewart Merdian, Lewistown  
George K. Meuth, Cuba  
Michael E. Morris, Canton  
Russell A. Myers, Canton (retired)  
John Potter, Farmington  
George P. Proctor, Lewistown  
Thomas H. Ramsey, Canton  
Walter J. Sebo, Canton  
C. Eugene Taylor, Canton  
Joseph V. Toohill, Farmington  
Joseph V. Toohill Jr., Farmington  
Judith Toohill, Farmington  
James E. Van Sickle, Canton  
Ronald J. Weber, Canton.  
D. Dean Wilson, Farmington  
Arthur D. Young, Lewistown (retired)

The following lists set forth those

attorneys who have served as county judges and state's attorneys of Fulton County:

#### COUNTY JUDGES OF FULTON COUNTY

1848-53	Erasmus D. Rice
1853-61	Henry L. Bryant
1861-69	John M. Lewis
1869-76	John H. Peirsol
1876-77	Henry L. Bryant
1877-82	Samuel P. Cummings
1882-88	Thomas A. Boyd (resigned)
1888-90	W. Scott Edwards (elected to fill 2 year vacancy)
1890-94	A. B. Barnett
1894-98	S. H. Armstrong (died in office)
1898-	G. L. Miller, appointed by Governor to fill vacancy
1898-02	Meredith Walker
1902-06	W. Scott Edwards
1906-10	J. D. Breckenridge
1910-14	Hobart S. Boyd
1914-18	Hobart S. Boyd
1918-22	Hobart S. Boyd
1922-26	J. D. Breckenridge
1926-30	Frederick O. Mercer
1930-34	Frederick O. Mercer
1934-38	J. D. Breckenridge
1938-42	J. D. Breckenridge
1942-46	W. S. Jewell
1946-50	W. S. Jewell

1950-53	Albert Scott (resigned when elected to State Senate)
1953-54	Ezra J. Clark (Acting Judge)
1954-58	Francis P. Murphy
1958-62	Francis P. Murphy
1962-66	Francis P. Murphy
1966-	Francis P. Murphy (retained in office)

#### STATE'S ATTORNEYS OF FULTON COUNTY

1872-84	Daniel Abbott
1884-88	Wilton Vandeventer
1888-92	Kinsey Thomas
1892-96	P. W. Gallagher
1896-1900	B. M. Chipperfield
1900-04	Bernard H. Taylor
1904-08	William S. Jewell
1908-12	William S. Jewell
1912-16	M. P. Rice
1916-20	Reed F. Cutler
1920-24	Floyd F. Putman
1924-28	G. Ray Senift
1928-32	G. Ray Senift
1932-36	Joseph R. Martin
1936-40	Sherman Deutch
1940-42	Bernard Maxwell (resigned to serve in World War II)
1942-44	Lachlan Crissey (appointed to fill vacancy)
1944-48	Lachlan Crissey
1948-52	Arthur D. Young
1952-56	Blaine Ramsey
1956-60	Blaine Ramsey
1960-64	Oral C. Kost
1964-68	William H. Malmgren
1968-72	Robert A. Downs
1972-76	Robert A. Downs
1976-	Thomas Homer

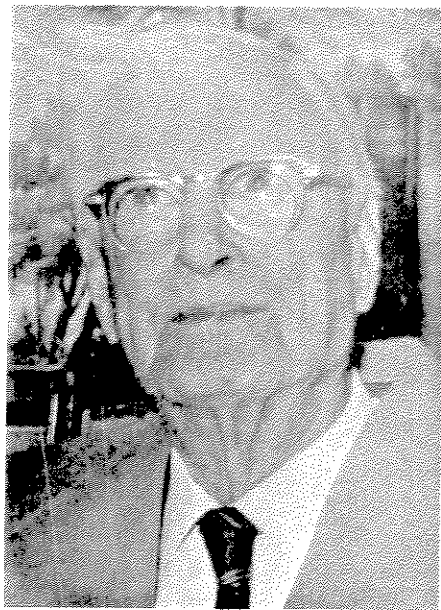


Reed F. Cutler, Lewistown, a state legislator for 28 years, wielded a powerful influence in Illinois politics for many years.

qualified men to serve as County Judges and State's Attorneys.

In examining the court dockets at the county seat you become impressed with the fact that the country lawyers of Fulton County handled cases of every nature and complexity, yet they were handled with ability and efficiency. The lawyers of Fulton County were worthy adversaries at all times. Lewistown proved to be the training ground for many a lawyer who later would move to Peoria, Chicago or St. Louis, where he would assume a prominent place in a metropolitan bar.

No claim can be made that the bench and bar of Fulton County has been the most superior one in the State of Illinois; however, the citizens of the county can be proud of the judges and lawyers who served in this typical American county located in the old Military Tract. They were conscientious, patriotic, honorable and able men.



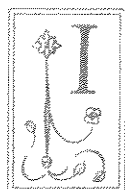
Hobart S. Boyd, Lewistown, a son of T. A. Boyd, a founder of the Illinois State Bar Association, lived to the age of 100. He died December 19, 1976. Hobart S. Boyd was county judge of Fulton County from 1910 to 1922.

When we review the work and character of the members of the Bench and Bar of Fulton County, from primitive pioneer days to our present day luxurious society, we can only conclude that with but very few exceptions they were honorable and capable men. When trained in the law, one has a natural affinity for public and political life. The lawyers of Fulton County were no exception. Almost all of them served their township, city, county, state and nation in one capacity or another. From the Fulton County Bar came men who were to serve as a United States Senator, Acting Governor, Federal Judge, State Supreme Court Justice, Congressmen, State Legislators and Appellate and Circuit Court Judges. The Bar faithfully provided at all times

# HENRY COUNTY BAR

SEVERAL PROMINENT LAWYERS, INCLUDING  
THE LATE ISBA PRESIDENT THOMAS WELCH,  
WERE MEMBERS OF THE HENRY COUNTY BAR

By HARPER ANDREWS\*



**I**N 1876 James M. Allan of Geneseo was a lawyer in Henry County and one of its most prominent citizens. He came from Alabama in 1835 at the age of 20, and persuaded the Illinois legislature at Vandalia to create Henry County out of a part of Knox County. In June 1837 the three county commissioners appointed him the county clerk, and soon after the circuit judge appointed him circuit clerk.

Henry County Circuit Court Record A on the first page states he was the clerk when the court met on April 1, 1839, with Judge Thomas Ford, later Governor and Supreme Court Justice, presiding, and Norman H. Purple of Peoria, later Supreme Court Justice, as State's Attorney.

Allan was elected to the state legislature and attended in January, 1851, for the purpose of obtaining a charter for the Chicago and Rock Island Railroad, which was organized in Peoria in April, 1851. The railway was finished in 1854. It crossed Henry County and brought great benefits to Geneseo.

For more than twenty years before his death in 1885, Major Allan, as he was known after the Civil War, spent long weeks in the state and federal legislatures promoting the construction by the government of the Hennepin Canal to connect the Mississippi River at Milan with the Illinois River at Hennepin. Allan devoted his life to the improvement and management of farm land, and argued that this

sixty miles of canal was necessary for shipping grain from Illinois via St. Paul and the Great Lakes to markets overseas. The canal was built, and the first steamer came through in November 1907.

John P. Hand was born on a farm in Henry County, graduated from Iowa Law School in 1875 and began to practice law in Cambridge, the county seat, in partnership with Col. A. R. Mock under the name of Mock & Hand. In 1885 he was elected County Judge and served until 1890, when he resigned and was appointed Assistant United States Attorney in Chicago, where he practiced law in the firm of Hand, Milchrist & Smith. In 1895 he returned to Cambridge, and in 1896 his son, Fred H. Hand, joined him in a partnership practice. In 1900 he was elected to the Supreme Court of Illinois, and re-elected in 1909. In 1913 he resigned from office because of ill health and retired from law practice.

George W. Shaw came to Geneseo in 1857 from Springfield, where he studied law in the office of Stewart & Edwards, famous because Edwards was a brother-in-law of Abraham Lincoln. Shaw became acquainted with Lincoln in Springfield, and is reported to have sometimes said that he was a Republican before Lincoln was. Shaw was for a time associated with Andrew Crawford, an early lawyer who later became successful in business, in a firm called Shaw & Crawford. Later he was joined by his son, Joseph L. Shaw, a 1903 graduate of

Northwestern University Law School. George W. Shaw died in 1912. Joseph L. Shaw, now deceased, was well known for his service on the Professional Ethics Committee of the Illinois State Bar Association as member and chairman.

Levi North was one of the first lawyers in Kewanee, in Henry County, and represented the county in the legislature in 1871. It is reported that he took a prominent part in adapting the statutes to the new constitution, opposing higher salaries for state officers and enacting a dramshop law. In 1873, Callaghan published North's Treatise on Probate Practice.

Emery C. Graves of Geneseo was a graduate of the University of Wisconsin Law School in 1874 and practiced in Geneseo. He also served as Mayor of Geneseo and City Attorney, and was State's Attorney of Henry County for 15 years. In 1903 he was elected Circuit Judge and in 1911 assigned to serve on the Appellate Court of the First District. Justice Graves was then assigned, after five years in the First District, to the Appellate Court of the Third District, where he served until his death in 1922.

James H. Andrews was raised on a farm near Geneseo, graduated from Knox College and Illinois College of Law in Chicago, and entered the practice of law in Kewanee in 1901. About that time he served a term in the Illinois legislature. Beginning in 1919 he served as Mayor of Kewanee

\* Of Kewanee, member of Henry County Bar Association.

for sixteen years. During that period two capable and public spirited lawyers, John T. Cummings, later Judge of the City Court of Kewanee, and Leonard D. Quinn, served several terms as city commissioners. Andrews was president of the Illinois Municipal League for a year, served two years on a Federal Public Works Administration advisory board for Illinois, and spent two years as the first director of the Illinois Old Age Assistance Administration. He continued in the practice of law until his death in 1956.

Henry Waterman of Geneseo graduated from Cornell University and the Chicago Law School. He began the practice of law and taught in the Illinois College of Law in Chicago until 1903, when he returned to Geneseo to practice law until his death in 1945. For many years he specialized in the creation and management of drainage districts, then a relatively new type of organization, which drained and made tillable large tracts of land along Green River and the Hennepin Canal through Henry County.



Vera M. Binks, a Kewanee lawyer, was the first woman in Illinois to serve as a member of the Governor's cabinet. She was Director of the Department of Registration and Education from 1953 to 1960.

Harry E. Brown came to Henry County when very young and grew up in Geneseo, graduating from the University of Michigan Law School in 1895, when he came to Geneseo to the office of Judge Graves to enter law practice. Brown was widely known for his great interest and activity in Republican party organization. For years he and members of his family developed a group of electric and gas utility plants in Bureau County and vicinity. When the Illinois system of paved roads was being designed and built about fifty years ago, Brown devoted his time during many months to negotiations with the state officers in charge, for the construction of more than 155 miles of pavement in Henry County. For the first time the courthouse at Cambridge became reasonably accessible to the lawyers and others in Kewanee, Geneseo, Galva, Colona and other smaller towns. Brown was active in the practice of law until his death in 1944.

In 1905 Leonard E. Telleen came to Cambridge to practice law, having graduated from the Nebraska Law School. In 1910 he became County Judge, was elected Circuit Judge in 1928, and served continuously until his retirement in 1957. Afterward he was associated in the practice of law with his sons, Kenneth L. Telleen and Leonard W. Telleen, at Cambridge. He died in 1966.

Thomas J. Welch, born in 1884 and raised in Rock Island County, attended Notre Dame University and Yale Law School and came to Kewanee to practice law. He spent much of his time in litigation, and for many years defended most of the automobile accident cases in Henry County. He was elected to the Board of Governors of the Illinois State Bar Association in 1940 and served until 1954. He was President of the Association in 1952-53, and was an early proponent of a new Judicial Article. He was a member of the original



Thomas J. Welch, Kewanee, President of the Illinois State Bar Association in 1952-53.

Joint Committee for the Judicial Amendment in 1952 and 1953, and was the first officer of the Association to urge the adoption of uniform jury instructions. He died in 1960.

Vera M. Binks of Kewanee came into the Thomas J. Welch law office as a secretary, and for several years served as the court reporter in the City Court of the City of Kewanee. She studied law in the Welch office, was admitted to the bar by the Supreme Court, and for many years was associated with Thomas J. Welch in the firm of Welch & Binks. She was elected County Judge of Henry County for two terms, 1944 to 1952. In 1953 she was appointed to be Director of the Department of Registration and Education of Illinois, and was the first woman to serve as a member of the Governor's cabinet in this state. She resigned in 1960 because of poor health, and died in 1963.

The difficulty of getting to the courthouse in Cambridge was one of the historical features of law practice in Henry County 100 years ago. Saddle horses, buck boards and bob sleds were used, but there were impassable large swampy areas until land drain-



## HENRY (cont.)

age went into effect. Half the population lived in Kewanee, 16 miles from the courthouse, and lawyers, litigants and jurors travelled by electric interurban to Galva and on the Rock Island trains to Cambridge for many years before paved roads were built about 1926. George W. Shaw of Geneseo often walked ten miles to the courthouse.

Fifty years ago circuit court trial terms were in February, June and November, when juries were called for two weeks or four weeks. Lawyers, jurors and witnesses lodged in Cambridge overnight until their cases were finished, and the Circuit judge had a bed in his chambers. Some lawyers borrowed a cot and blanket from the sheriff and slept in the attic of the courthouse, so they could study

in the courthouse library during the evenings.

The City Court of the City of Kewanee helped solve the transportation problem. It had general jurisdiction but only over real estate within the city limits, and summons could only be served in the city for personal jurisdiction. Judges H. Sterling Pomeroy, John T. Cummings and Julian P. Wilamoski, who were elected consecutively, held jury terms occasionally, and sat most of the year in the Circuit Court of Cook County on a per diem basis, often engaged in continuous jury trials.

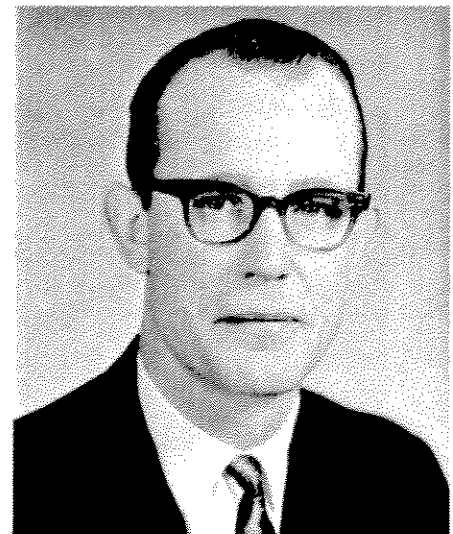
In Henry County the clerk of the circuit court began to keep a docket of pending cases in August, 1905, including law and chancery cases by caption and number, showing the names of the lawyers appearing. Among lawyers' names on the first few pages are C. M. Turner, H. E.

Brown, Almon H. Linn, C. K. Ladd, Anderson & Andrews, McCaskrin & Linn, Sturtz, J. K. Blish, Pomeroy & Demerath, McLean, Waterman, Fred H. Hand, George Shumway, Morse & Quinn, J. R. Moore, Wilson & Faull, L. E. Telleen, J. H. Andrews, Shaw & Shaw, Cummings & Tilton, C. Aby, Chesley, Reherd, C. C. Wilson, A. E. Bergland, Linn & Tyler, Hand & Melin, N. F. Anderson, Arthur DeRoo, R. T. Neville, Sturtz & Ewan, J. N. Cummings, Mulligan, J. W. Olson, T. J. Welch, C. G. Davis, J. R. Pritchard, John Root, J. L. Shaw, Root & Root, Hay, and B. S. Gray.

All except two or three of these lawyers lived in Henry County in 1905-1917 and practiced law alone or in various pairs or other combinations at various times. Many of them and their successors who have practiced law in Henry County since 1917 are talented, well trained and outstanding lawyers who played a large part in the history of the county. Unfortunately there is very little information available about their lives and deeds. Court records are hard to bring to life, and the excitement and drama of court oratory and political speeches are probably lost forever.



The Henry County Courthouse at Cambridge.



Robert H. White, Geneseo, Henry County, a member of the ISBA Board of Governors.

# IROQUOIS COUNTY BAR

## MANY EARLY LAWYERS OF IROQUOIS COUNTY RECEIVED EDUCATION BY READING LAW

By DAVID E. ORAM And GLEN W. BROCK\*



PROBABLY the first lawyer to practice law in Iroquois County was James Fletcher, who was reported to have arrived in 1849. The following year his brother-in-law, Spotswood Augustine Washington, came to Iroquois County. In the 1850s came Wilson Kay and Joseph Popper. In the early 1900s Nellie Kessler, the County's first woman lawyer, came to Iroquois County.

Most of the early attorneys studied law in the office of another attorney or attorneys, although there were a few who obtained their legal education in the law schools.

Other than the judiciary, the Iroquois County lawyers have not shown a great interest in fields other than the practice of law. One exception is the Honorable Jessie Sumner, who not only became the first woman in the State of Illinois to be elected as County Judge, but who later served several terms in Congress. In Washington, she was among the first of the elected officials in the Federal Government to openly denounce Communism and its effect on our form of Government.

Since Iroquois County became a part of the Twelfth Judicial Circuit it has always furnished one of the full Circuit Judge positions. The late Honorable Frank L. Hooper, served continuously in this position twenty-eight years (1905-1933) and thereby established a record in the Twelfth Circuit for longevity. His ability as a Judge was recognized by the members of the Bar in Iroquois, Kankakee

and Will Counties. Circuit Judge David E. Oram was the first Chief Judge in the Circuit and served in this capacity for nine years (1964-1972).

Iroquois County is geographically the third largest County in the State. Watseka is the county seat and the largest city within the County. At the present time (1976) there are twenty-one lawyers in said County, including a non-resident, a resident and an Associated Judge.



Jessie Sumner, Watseka, the first woman to be elected a county judge in the state of Illinois. She also served several years in Congress and was among the first to denounce communism as a menace to democracy.

### Addenda

#### ATTORNEYS AT LAW (PAST AND PRESENT) IROQUOIS COUNTY

Gaylord Adsit	James W. Kern
E. M. Amos	Nellie Kessler
Daniel W. Ayres	Edward King
Clifford E. Beach	George E. King
Wallace J. Bell	Charles P. Kinney
Fred P. Benjamin	Chester Kinney
William E. Beyers	Fred C. Kraft
James Blunk	William Kuttruff
Arthur Bohn	John D. Leland
Robert W. Boyd	W. E. Lewis
Ronald E. Boyer	Ivan Looker
Edward F. Braden	George W. Lovelass
Glen W. Brock	Paul Manion
James H. Carey	Dale W. Markwalder
Lester G. Carlson	James McCullough
A. J. Clark	Dwight W. McGrew
Wayne Clemens	Robert D. McNelly
Spencer C. Cone	F. Raney Miller
Frank M. Crangle	Fleming R. Moore
Billy G. Davis	O. F. Morgan
Robert L. Dannehl	Free P. Morris
John W. G. Dooley	Patrick J. Murphy
Robert Doyle	Dale A. Nelson
Stanley A. Durka	David A. Orebaugh
William E. Eaken	John P. Pallissard
Milo J. Fleming	Almon S. Palmer
James Fletcher	Charles Payson
James R. Fritze	Lyle Perrigo
Charles Gardner	William F. Pierson
Warren Goodell	Joseph C. Popper
A. F. Goodyear	A. William Razzano
George H. Hamilton	Asa B. Roff
Charles Harwood	Harrison G. Shearon
Tracy B. Harris	Kenneth A. Smith
Samuel R. Harry	Theodore R. Spenn
William H. Harry	Henry Starr
Van H. Higgins	Henry C. Stearn
C. G. Hirschi	Louis B. Sunderland
I. W. Holland	Richard J. Sygulla
George B. Joiner	Elmer A. Taylor
R. Free Karr	John W. Thomason
McClellan Kay	Thomas G. Vennum
Wendell P. Kay	George H. Walser
Wilfred S. Kay	Spotswood A.
Wilson S. Kay	Washington
Rufus Kendall	Jacob A. Whiteman

\* Of Watseka, members of Iroquois County Bar Association.

## IROQUOIS (cont.)

### CIRCUIT COURT JUDGES

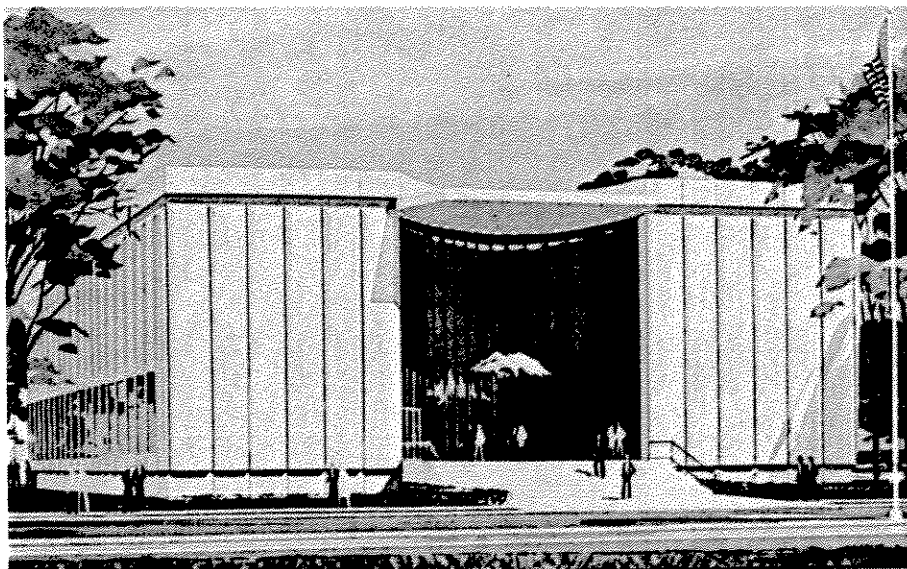
Charles H. Wood .....1867-1873  
Franklin Blades .....1877-1885  
Robert W. Hilscher .....1897-1905  
Frank L. Hooper .....1905-1933  
Claude N. Saum .....1933-1939  
Roscoe C. South .....1939-1958  
David E. Oram .....1958-1976

### COUNTY JUDGES

C. F. McNeill	John H. Gillan
M. B. Wright	Jessie Sumner
Stephen C. Bovie	Stephen C. Malo
A. L. Whitehall	A. Fred Kendall
M. H. Euans	Robert F. Goodyear
C. W. Raymond	Robert J. Immel
Frank Harry	(now Circuit)

### MAGISTRATE and ASSOCIATE JUDGES

Leslie V. Strickler	Robert W. Boyd
Robert J. Immel	Daniel W. Gould



The Iroquois County Courthouse at Watseka.



# Jo DAVIESS COUNTY BAR

JO DAVIESS COUNTY BAR ASSOCIATION WAS  
ORGANIZED NEARLY ONE HUNDRED YEARS AGO

By LOUIS A. NACK SR\*



THE Jo Daviess County Bar Association was organized on February 6, 1879. There were sixteen original members of the Association. They adopted a Constitution and By-Laws.

Article II of the Constitution provided:

"The Association is formed to cultivate the science of jurisprudence, to promote reform in the law, to facilitate the administration of justice, to elevate the standard of integrity, honor and courtesy in the legal profession, to encourage a thorough and liberal legal education, and to cherish a spirit of brotherhood among the members thereof."

Since the original organization, forty attorneys have been members of the association. The present membership consists of thirteen active members and two retired.

Several members of the Jo Daviess County Bar Association rendered distinguished services to the United States.

John A. Rawlins was Chief of Staff for General Grant and after the War, he was General Grant's Secretary of War.

E. B. Washburn was a member of Congress during the Civil War and after Grant was elected President, was Secretary of State for a short time and later was the Ambassador to France.

John C. McKenzie served in Congress for a long time.

Leo Allen served ten terms in Congress and was Chairman of the Rules Committee.

The annual meeting of the Association is held regularly on the second Monday of December of each year.

The first officers of the Association were as follows:

President, W. Weigley  
Vice-President, L. Shissler  
Recording Secretary, Jacob Fawcett

Corresponding Secretary,

W. W. Wagdin

Treasurer, J. J. Jones

The original Association also had an Executive Committee.

The present officers of the Jo Daviess County Bar Association are:

President, Louis A. Nack Sr.

Vice-President, L. Melvin Gundry

Secretary-Treasurer, Harold D. Nagel



\* Of Galena, member of Jo Daviess County Bar Association.

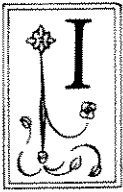


General John A. Rawlins, a member of the Jo Daviess County Bar and Chief of Staff of General Grant and later Secretary of War under Grant.

# KANE COUNTY BAR

## KANE COUNTY'S BAR IS NOTED FOR ITS PROMINENT LAWYERS, LIVING AND DECEASED

By J. E. ALSCHULER\*



FELT honored on being asked by the Board of Managers to prepare this short history of the Kane County Bar Association, although I assume that the honor was attributable

more to my years at the Bar than to any talents as a historian that I may possess. Because of the lack of much information in writing I have relied on my own memory, which is good but not infallible, on the assistance of many of the members of the Bar, whose suggestions and recollections are most gratefully acknowledged, and on several old county and state histories.

Some early history of the Bar in this county should be of some interest. Kane County was established January 16, 1836, having formerly been included in LaSalle County. The first term of the Circuit Court was held at Geneva, in James Herrington's log house, on June 19, 1837, Judge John Pearson presiding. The first jury trial was that of Wilson vs. Wilson, for trespass. The jury assessed damages at \$4,160.66, "probably an amount equal to all the money in circulation in the county at that time." For a number of years the court was held by judges from other counties, the first judge from this county being Isaac G. Wilson, whose first term as judge of the Circuit Court began on August 11, 1851.

With the establishment of the county, a few lawyers began to come in. I find mention of two at Geneva and one at St. Charles about 1837.

By 1839 there were two in Aurora. I find only one in Elgin, but without a date, prior to 1844. In 1858 there were 32 lawyers and 4 law students listed in the county. Fifty years later, in 1908, there were 122. Approximately twenty years ago in the early 1950s, I recall that we had about 175 lawyers in Kane County. Today the Circuit Clerk lists more than 350.

A point to be considered with respect to the Bar Association is the geography of Kane County. It is twice as long from north to south as it is from east to west. The Fox River flows almost straight north and south through the eastern townships and cities have grown along the river, the remaining part of the county being largely rural, although today urban development is taking place in the western townships. As the cities developed along the river, Elgin, at the north, and Aurora, at the south, became the largest, with the county seat midway between them, at Geneva. This is a peculiarity which I do not find in other counties in the state, where there is generally one central or important city as its county seat and the center for most legal practice. As a result, when I was admitted, there were fairly active Bar Associations in both Elgin and Aurora, and the county association was a very informal group, being chiefly for social purposes.

During the first world war and for a few years thereafter, very few persons were admitted to practice. I assume that the older men were pleased at last to have a few newcomers, for

Earl Shopen of Elgin (later our Probate Judge), and I were promptly, on our admission to the Bar, appointed to be the entertainment committee, and for several years he and I mainly conducted golf outings, followed by dinner, one at Elgin, one at Aurora, and one at St. Charles in each year, with infrequently a dinner meeting when some event of more than usual importance occurred. But the two local associations were most active.

I recall meetings of the Aurora Bar to discuss the Roosevelt court-packing scheme, the desirability of the new Civil Practice Act, the need, during the depression, of changes in mortgage foreclosure practice and the like, in addition to meetings with speakers on various topics, and I am sure that the Elgin Association followed a similar program.

Following World War II, however, the County Association began to be the most important and in 1950 a young lawyer with ideas, Zalmon Goldsmith, became President and really organized the County Association into an active, important organization. He was followed the next year by George D. Carbary, who continued his good work, and that has continued to the present. The Aurora Association has been dormant all these years and I understand that the Elgin Association, while still in existence, meets only once each year for dinner and election of officers.

\* Of Aurora, member of Kane County Bar Association.

So far as the date of the organization of the Kane County Bar Association is concerned, I have to say that it is not known. It must have been organized before the admission to the Bar of all of the oldest living members, none of whom can recall the date, even approximately. When we were admitted it was just there.

In listing the most prominent lawyers who have been in practice or otherwise connected with the Kane County Bar, the process of selection has been most difficult. If I included all names suggested to me, this paper would be nothing more than a long list, with the danger of the omission of many worthy lawyers. I have finally prepared a list, which includes only those whose names attained some statewide fame, eliminating many fine lawyers who were well-known locally and regionally. Following are the ones in whose reflected glory the rest of us bask:

1. Samuel D. Lockwood (1789-1874). Born in New York State. Came to Illinois in 1818 and settled at Carmi, White County. Became Attorney-General, Secretary of State,



Samuel Alschuler, Aurora, a Judge of the U.S. Circuit Court of Appeals, 7th Circuit, from 1915-1936.

and Justice of the Illinois Supreme Court from 1825 until his resignation in 1848. Moved to Batavia, in Kane County in 1853 where he lived and practiced law until his death. His beautiful home in Batavia, still known as "Lockwood Hall", is now occupied by a member of the Kane County Bar.

2. Albert J. Hopkins, Aurora (1846-1922). Admitted to Bar, 1871; Member of Congress, 1885-1903; U.S. Senator, 1903-1909.

3. Samuel Alschuler, Aurora (1859-1939). Admitted to Bar, 1881; practiced, Aurora, to 1901, Chicago, 1901-1915; State Representative, 1897-1901; Nominee of Democratic Party for Governor of Illinois, 1900; Judge and Presiding Judge of U.S. Circuit Court of Appeals, 7th Circuit, 1915-1936.

4. Charles F. Clyne, Aurora. United States District Attorney for Northern District of Illinois during Woodrow Wilson's administration.

5. Frank R. Reid Sr., Aurora (1879-1945). Admitted to Bar, 1901; Member of Congress, 1923-1935. Chief attorney for General "Billy" Mitchell in the famous court martial hearings.

6. Barnabas F. Sears, Aurora, now Chicago (1902- ). Admitted to Bar, 1926. Practiced in Aurora over 20 years, now in Chicago. Served as Chairman of the joint committee of the Illinois State and Chicago Bar Associations for Court reform and for merit selection of judges. President, Illinois State Bar Association, 1957-1958; Chairman, House of Delegates, American Bar Association, 1968-70.

7. Roy J. Solfisburg, Aurora (1916- ). Admitted to Bar, 1940. Master in Chancery; Judge of Circuit Court of Kane County, 1954-1956; Appellate Court, 2d District, 1957-1960; Justice, Illinois Supreme Court, 1960-1969, Chief Justice, 1962-1963, 1967-1969.

8. Alfred Y. Kirkland, Elgin (1917- ). Admitted to Bar, 1943. Practiced in Elgin until election as Judge of Circuit Court of Kane County. In 1975 appointed as Judge of the U.S.



Frank R. Reid Sr., Aurora, a Congressman from 1923 to 1935 and chief attorney for General "Billy" Mitchell in the famous court martial hearings.

District Court for the Northern District of Illinois. President of the Illinois State Bar Association in 1968-69.

9. Lloyd Tyler, Aurora (1924- ). Admitted to Bar, 1951. At present Second Vice President of Illinois State Bar Association.

In addition to those listed, many Kane County lawyers have served the public as judges, members of the Illinois House of Representatives and State Senate, as members of state boards and commissions, and otherwise. And, of course, many more of the Bar have served honorably and efficiently without holding or seeking public office.

Important cases that have arisen in Kane County include:

1. *Kenney v. Supreme Lodge of the World, Loyal Order of Moose*, 252 U.S. 411 (1919) — a leading case on the subject of the constitutional duty of a state to give full faith and credit to the judgments of courts of other states.

2. *City of Aurora v. Burns*, 319 Ill. 84 (1925). The leading case upholding zoning ordinances of municipalities.

## KANE (cont.)

3. *Molitor v. Kaneland Community Unit District No. 302*, 18 Ill. 2d 11 (1959). The leading case abolishing the doctrine which gave school districts immunity from tort liability.

As of today the Kane County Bar Association is a thriving, active, businesslike organization, recently incorporated. Of the approximately 350 lawyers on the Circuit Clerk's list, 336, or 96%, are carried as active or life members of the Association. It engages in all of the usual activities

of Bar Associations and is proud of the following, which are not exclusive with us, but are not found in every county:

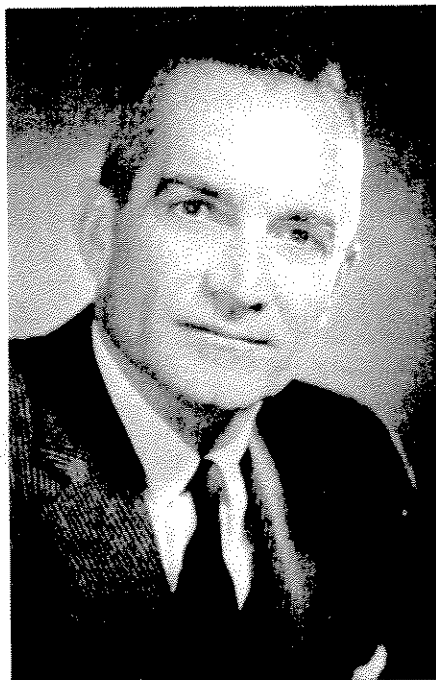
1. A newsletter is prepared and mailed frequently and regularly, containing items of interest and importance to the profession, notices, news concerning members.

2. For many years it has participated in annual joint dinners with the Kane County Medical Association, the two Associations alternating in sponsorship, always with an outstanding authority on subjects of mutual interest to both professions.

3. After several years of voluntary legal referral and aid, in 1972 a Legal Referral System was set up, with an office in Geneva staffed by lay employees. Within the past year the Association engaged a full time lawyer and the system has been incorporated as the Legal Aid Bureau of Kane County, Inc. Its latest report shows that in the ten months ending March 1, 1976, 154 cases were handled, while in the fourteen months ending May 15, 1976, advice or referral was given by telephone to 534 applicants.



Barnabas F. Sears, Aurora, now of Chicago, was President of the Illinois State Bar Association in 1957-58 and Chairman of the House of Delegates of the American Bar Association in 1968-70.



Alfred Y. Kirkland, Elgin, a judge of the U.S. District Court for the Northern District of Illinois, was President of the Illinois State Bar Association in 1968-69.



Lloyd J. Tyler, Aurora, is Second Vice President of the Illinois State Bar Association. He is slated to become President in 1978-79.

# KANKAKEE COUNTY BAR

## THREE MEMBERS OF THE KANKAKEE BAR WERE ELECTED PRESIDENT OF THE ILLINOIS STATE BAR ASSOCIATION

By DONALD GRAY, EVA L. MINOR, VICTOR N. CARDOSI  
And EDWARD McINTIRE\*



KANKAKEE County was formed from territory taken from Will and Iroquois Counties, that part lying north of the Kankakee River having been taken from Will County and that part lying south of the Kankakee River having been detached from Iroquois County and organized as a County by virtue of an election held on April 5, 1853, which election was authorized by an act of the legislature passed February 11, 1853; but this territory did not include the townships of Essex and Norton, which were added in 1855, by an act of the legislature, from Vermilion County.

The first term of the Kankakee County Circuit Court was held in November, 1853, in the Illinois Central freight depot, with Hon. Hugh Henderson of Joliet presiding. The attorneys present at said term were Thomas P. Bonfield, Ira Bartlett and Charles R. Starr of Kankakee; Uri Osgood, W. S. Randall and Elisha Fellows of Joliet; John W. Paddock of Lockport and James Fletcher of Middleport. Jacob Gutterson was the first Circuit Clerk, and George W. Byrns was the first Sheriff.

Judge Henderson died in 1854, and since that time the following named gentlemen have been at various times selected to preside as Judges of the Kankakee County Circuit Court:

Hon. W. S. Randall  
Hon. Charles R. Starr  
Hon. Charles H. Wood  
Hon. Nathaniel Pillsbury  
Hon. Franklin Blades

Hon. Owen T. Reeves  
Hon. Alfred Sample  
Hon. Thomas Tipton  
Hon. John Small  
Hon. Robert W. Hilscher  
Hon. Charles B. Garnsey  
Hon. Dorrance Dibell  
Hon. Frank L. Hooper  
Hon. Charles B. Campbell  
Hon. Albert O. Marshall  
Hon. Arthur W. DeSelm  
Hon. William R. Hunter  
Hon. Frederick Hill  
Hon. Claude Saum  
Hon. Edwin L. Wilson  
Hon. Luther B. Bratton  
Hon. Roscoe C. South  
Hon. James V. Bartley  
Hon. Charles D. Henry  
Hon. Victor N. Cardosi  
Hon. David Oram  
Hon. Herman Snow  
Hon. Wayne P. Dyer  
Hon. Patrick M. Burns

The following gentlemen were at various times selected County Judges for the County of Kankakee:

Hon. Philip Worcester  
Hon. Aton O. Beebe  
Hon. Ira Bartlett  
Hon. C. C. Wilcox  
Hon. Warren R. Hickox  
Hon. Westbrook S. Decker  
Hon. Charles R. Starr  
Hon. James Orr  
Hon. Thomas S. Sawyer  
Hon. John Small  
Hon. Eben B. Grover  
Hon. Arthur W. DeSelm  
Hon. James T. Burns  
Hon. Jay H. Merrill  
Hon. Henry Ruel  
Hon. John H. Beckers  
Hon. C. D. Henry  
Hon. Irwin Taylor  
Hon. Alan Stouder

The judicial circuit of which Kankakee is a part is the Twelfth Judicial

Circuit and comprises the Counties of Kankakee, Iroquois and Will.

The first chancery case in this County was filed by Attorney Thomas P. Bonfield who practiced law in Kankakee for many years and whose name is frequently found in the early published reports of the Supreme and Appellate Courts.

October 2, 1909, was a memorable day in the history of Kankakee County. On that day the dedicatory exercises for the laying of the corner stone of the present Courthouse now existing in that County were held. More than 20,000 people from all parts of the County attended the dedication.

The Honorable Joseph G. Cannon, Speaker of the Federal House of Representatives, County Officials, members of the Board of Supervisors, City Officials and hundreds of invited guests were present for this program, which was arranged by the Building Committee consisting of Charles B. Astle, Chairman; F. J. Hennessey, Secretary; A. C. Holzman; Louis Breault; B. A. Burgess; Jacob Ruger; and C. M. Burch.

The Honorable Charles E. Robinson was the Marshal of the day. There was a long parade in which the City Police, Company L, Third Regiment, Illinois National Guard under command of Captain James Burns, hosts of school children and various bands, including Sylvester's Third Regiment Band, passed down the street between the dense crowds stopping at the new

\* Of Kankakee, members of the Kankakee County Bar Association.

## KANKAKEE (cont.)

courthouse. Senator Edward C. Curtis of Grant Park, Representative J. W. Allison of Essex, Mayor Beckman of Kankakee, Judges Small, Orr and Gower, members of the clergy, City and County Officials, Republican and Democratic Central Committee members and many prominent persons gathered at the speaker's platform.

Speaker Cannon gave the address followed by Judge Frank L. Hooper of Iroquois County.

The Honorable Judge Charles B. Campbell gave an inspiring address. Also present was the patriarch of the Bar, Judge Stephen R. Moore. He never appeared in Court except in a dress suit and wore a silk hat except in the courtroom. He called the first meeting of the lawyers that resulted in the organization of the present Illinois State Bar Association in 1877, together with Judge Anthony Thornton, Shelbyville, who prior to that time had served as a member of the Supreme Court of Illinois. At the time

of the dedication, Judge Moore was 78 year of age.

Attorney Leon Doutre came in the year 1855 followed by William Potter. Judge James N. Orr, who served one term as County Judge was also present. William R. Richardson, a brilliant lawyer, came in 1858 and died in 1895. Hiram L. Richardson was admitted to the bar in 1868 and together with his brother, William, became known as the most successful jury lawyers of the Bar. William S. Decker came in 1868 and became County Judge and was master in chancery. Daniel H. Paddock, who died in 1905, was the son of Lt. Col. John W. Paddock. He was admitted to the bar in 1873. John Small, a successful lawyer in the Kankakee Bar, serving as master in chancery, was elected County Judge in 1894 and became a Circuit Judge in 1897. Edward E. Day was a member of the Bar beginning in 1885. Thomas B. Bonfield, then 83 years of age, bright, keen and alert, was the Nestor of the Bar beginning his practice August 11, 1853.

Ara Bartlett came in September of 1853. He was the second member of the Bar and during the war was appointed by President Lincoln as second chief justice of Dakota. In November of 1853 the most unique character who ever practiced was Charles A. Lake, a most able and resourceful lawyer. In 1854 an attorney by the name of Ward became prominent. Harrison Loring, a thorough and painstaking lawyer, came in 1854. O. C. Bartlett, who died in 1899, was master in chancery for several terms.

The following completes the roster of the Bar of Kankakee County: H. K. Wheeler; H. H. Wheeler; W. R. Hunter; B. L. Cooper; W. J. Brock; A. L. Granger; J. Bert. Miller; Charles B. Campbell; W. J. Savary; Henry F. Ruel; E. B. Gower; A. E. Smith; E. A. Marcotte; T. W. Shields; Arthur W. DeSelm; C. B. Sawyer; Joseph I. Granger; Robert Gregg; J. H. Merrill; C. Fred Whitmore Jr.; C. M. C. Buntain; D. P. Cleghorn; Frank J. Burns; George D. Wright; Bertha L. Chatfield; H. H. Whittemore; Wayne



C. M. Clay Buntain, Kankakee, President of the Illinois State Bar Association in 1924-25.



Amos H. Robillard, Kankakee, President of the Illinois State Bar Association in 1948-49.



Francis J. Householter, Kankakee, the "Centennial" President of the Illinois State Bar Association who served as President Pro Tem from January 2, 1976 to June 22, 1976, and President in 1976-77.



Dyer; E. P. Harney; B. F. Gray; W. G. Brooks; Amos H. Robillard; W. R. Hobbie; Walter C. Schneider; and John S. Russell. Of these, Judge Campbell, Judge DeSelm and State's Attorney Miller were known throughout the State. Capt. James Burns of Company L. was also a lawyer who later became County Judge. He was the father of one of our present Circuit Judges, the Honorable Patrick M. Burns.

All in all, that was a gala day for Kankakee County. The Courthouse then dedicated still endures and is a monument to the people of the County and to the Bar of this County. It looks like a courthouse and is admired by all who see it.

During the time that the new courthouse was under construction, court was held in the Y.M.C.A. building directly east of the courthouse on Harrison Avenue. When the building was completed, Judge Charles B. Campbell ordered the removal of the court from the Y.M.C.A. building as of Saturday evening, April 27, 1912, at eight o'clock p.m. The first term of court in the present building was convened on Monday morning, May 6, 1912. The Presiding Judge was Honorable Charles B. Campbell; the Clerk, Luther B. Bratton; the Sheriff, Daniel G. Lee; the State's Attorney, J. Bert. Miller. There were 36 members of the bar at that time, all of whom are believed to be deceased.

The published docket for May, 1912, term of Court lists 63 common law cases, and 103 chancery cases then pending.

Lt. Col. John W. Paddock was born in Onondaga County, New York, on February 14, 1815. In 1836 he moved to Lockport, Illinois, where he was soon after admitted to the Bar and commenced the practice of law. In 1853 he moved, with his family, to the Town of Kankakee City, where he secured an extensive legal practice and the confidence and esteem of all who knew him. In the fall of 1861, he assisted in raising a company for the

53rd Regiment of Illinois Volunteers; and later, he assisted in raising the 76th Regiment. Subsequently, part of this Regiment was merged with the 113th Regiment and John W. Paddock was appointed Lieutenant Colonel. His commission was dated in October of 1861. He was in command of this Regiment at the siege of Vicksburg, shortly after which he became ill with malaria from which he never recovered.

Lt. Col. Paddock died on August 16, 1863, in the Officer's Hospital at Memphis. He was "the devoted husband, the kind father, the faithful brother, the honorable and enterprising citizen, the genial and generous companion, the eloquent advocate, the safe counsellor, the earnest patriot soldier, and the brave, gallant and vigilant, yet kind and humane officer."

Col. Paddock's son, Daniel H. Paddock, was also a very prominent lawyer who practiced law and engaged in various business enterprises in Kankakee for many years. The present

Circuit Court Judge, Wayne P. Dyer, is a great-grandson of Col. Paddock.

It is well to take note that three members of the Kankakee County Bar Association, C. M. Clay Buntain, Amos H. Robillard, and Francis J. Householter, became President of the Illinois State Bar Association serving with distinction.

The present Kankakee County Bar Association has a membership of 81, including four senior counsellors, namely: Eva L. Minor, Claude M. Granger, Donald Gray and Victor N. Cardosi. The Kankakee County Bar has also furnished the present Chief Judge of the Twelfth Judicial Circuit, the Honorable Victor N. Cardosi.

It is a matter of history that the Kankakee County Bar Association has had certain traditions which it has continuously followed from its inception. One is that of attending funerals of deceased members in a body. Another is the annual picnic of the lawyers which has always been a day of festivities and up until very recently,



The Kankakee County Courthouse at Kankakee.

## KANKAKEE (cont.)

preceded by the pea shelling committee session which took place on the night before the picnic, which for many years was held at Attorney Wayne Dyer's cottage on the Kankakee River. It never lacked for refreshments, even during prohibition days. The pea shelling committee was composed of younger lawyers of the Bar who spent the evening before the picnic in games of relaxation, all of which were enjoyed by the participants. The most important tradition of all is that the lawyer's word is his bond, both with his fellow lawyers and the judges of the courts. It can truly be said that the members of the Kankakee County Bar Association have always upheld the highest principles of integrity in the adminis-

tration of justice honorably fulfilling their obligations to their clients, the Courts and the public.

### Addendum

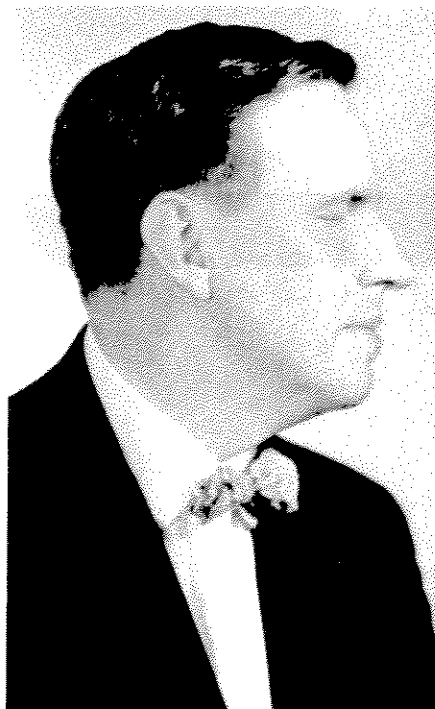
#### MEMBERS OF THE KANKAKEE COUNTY BAR ASSOCIATION

Richard L. Ackman	Hon. Wayne P. Dyer
Lester A. Ahroon	William E. Eaken
Glen R. Barmann	Roger C. Elliott
Jack R. Beaupre	Hon. Thomas W. Ewert
Hon. Roger A. Benson	Gary Felicetti
Michael R. Berz	Lawrence Fitzpatrick
Armen R. Blanke	Hon. Louis K. Fontenot
Paul F. Blanke	Donald R. Frank
Robert W. Boyd	Claude M. Granger
Hon. Patrick M. Burns	Donald Gray
Vernon G. Butz	Charles O. Henry
Hon. Victor N. Cardosi	William E. Herzog
James P. Collins	J. Gregory Householter
Paul F. Davidson	Francis J. Householter
Gregory A. Deck	Fredrick E. Huber
Edward P. Drolet	
Ronald J. Dusenbury	

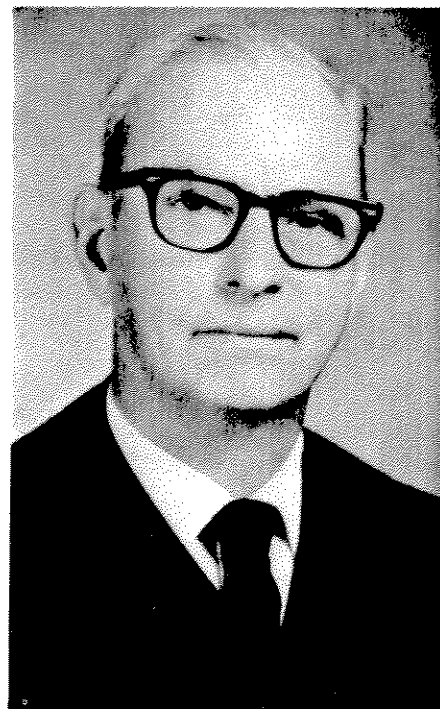
David M. Jaffe	Robert F. Reiser
Richard Jones	David J. Richter
Thomas R. Judd	Leonard F. Sacks
Allan C. Kuester	Edwin W. Sale
Victor Lauridsen	James G. Schneider
Ben H. Logan	William Schmidt
Jerry B. Lucas	Gov. Samuel H. Shapiro
Lawrence Y. Lucey	Edward D. Smith
J. Dennis Marek	Len H. Small
Elsdon L. Maynard	Herman W. Snow
Robert N. Merillat	John L. Stentz
Edward A. McIntire	Justice Allan L. Stouder
Robert D. McKnelly	George T. Swaim Jr.
Hon. John F. Michela	J. Scott Swaim
Eva L. Minor	William H. Taube
Gregory W. Morgan	Cornelius E. Toole
Edwin E. Mortell	L. Lee Thacker
Dennis A. Norden	Steven A. Trost
Mary P. Nutting	Edward G. Vogt
Thomas A. Nutting	Byron J. Wallace
Duane J. O'Connor	Joseph R. Yurgine
Vincent P. Paulauskis	David Zeglis
Elmo F. Petersen	Donald D. Zeglis
L. Patrick Power	Philip C. Zimmerly
Sheldon W. Reagan	



Samuel H. Shapiro, Kankakee, a one-time Lieutenant Governor, became Governor of the State of Illinois on May 21, 1968 when Otto Kerner resigned to become a judge of the Court of Appeals, 7th Circuit. Governor Shapiro served until January 13, 1969.



Alan L. Stouder, Kankakee, has been a member of the Third District Appellate Court since the court was made elective beginning in 1964. Prior to that he was a county judge and associate circuit judge.



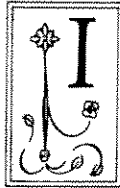
Judge Victor N. Cardosi, Kankakee, was Chief Judge of the 12th Judicial Circuit until the time of his recent retirement.



# KNOX COUNTY BAR

KNOX COUNTY LAWYER CLARK CARR IS  
CREDITED WITH HAVING MADE THE SUGGESTION  
THAT LINCOLN SHOULD SPEAK AT GETTYSBURG

By HARRY C. BULKELEY\*



IN October of 1830, two years after the first white settlers came to the area now known as Knox County, the first session of the Circuit Court was held at John B. Gum's residence near Henderson Grove. The presiding judge was the Honorable Richard M. Young whose Circuit ran from Galena to Quincy. Shortly thereafter, the Legislature designated the county seat as the Town of Henderson. Two years later that town's name was changed to Knoxville in honor of General Henry Knox, a Revolutionary War hero. On March 12, 1831, construction on the first Courthouse in Knoxville was completed for a total cost of \$395.43. A second Courthouse was built at Knoxville in 1834, and was used until the county seat was moved to Galesburg in 1875.

One of the early organizations of Knox County, was the "Society for the Detection of Horse Thieves and Burglars" which was organized in 1850 to stem the alarming rise in the number of horses stolen in Knox County (12 in 1850). An 1878 history of Knox County notes "More efficient statute laws have since superseded the necessity of such volunteer associations."

Until the current courthouse was built in Galesburg, large or important trials were often held at the opera house to accommodate the crowds. The trial of the only man ever executed in Knox County was held in the Opera House in 1873. The rec-

ords indicate that the man was convicted on February 15, sentenced February 20, and hanged on March 14.

The most noteworthy trial in Knox County was that of Frank Rande, "The Young Bandit of the Wabash". Having killed a man near Gilson, Rande was apprehended near St. Louis several months later. His trial, also held at the Opera House, was attended by reporters from the *Chicago Tribune*



Attorney Clark E. Carr, a postmaster of Galesburg during the Civil War and a member of the Gettysburg Cemetery Committee, is credited with having made the suggestion to Lincoln that he speak at the dedication of Gettysburg. It was at that dedication that Lincoln made his Gettysburg Address.

and *Times*, and *Peoria Transcript*, the *St. Louis Post*, and the *Indianapolis Journal*.

After being arraigned, the defendant was taken to a photographer's studio to have his picture taken. He then sold autographed photos of himself to defray the cost of his legal counsel. Being an astute businessman, he did not sell the pictures until he consulted a Galesburg Patent Attorney about the possibility of copyrighting them. The attorney advised him that, unfortunately, he could not copyright them under an assumed name. Despite his enterprising nature, he was convicted and sentenced to life imprisonment at Joliet, where the last report of the trial said he was employed making saddles.

The most important event to take place in Knox County was the fifth Lincoln-Douglas debate held at Knox College. Old Main, where the debate was held, is one of the few remaining original sites of the debates.

Among the distinguished members of the Knox County Bar Association during its early days was Clark E. Carr. While serving as postmaster of Galesburg, he was also a member of the Gettysburg Cemetery Committee, and legend has it that it was upon his suggestion that President Lincoln was asked to speak at the dedication of the Cemetery. It was at that dedication that Lincoln delivered the Gettysburg Address.

Mr. Carr later served as minister to

\* Of Galesburg, member of Knox County Bar Association.

## KNOX (cont.)

Denmark for several years. The King of Denmark sent his personal carpenters to assist Mr. Carr in the construction of his Galesburg home. In that home was held the first cabinet meeting ever convened outside the City of Washington, D.C. President McKinley, who was visiting Galesburg at the time, presided at the meeting.

A. M. Craig of Galesburg served as Chief Justice of the Illinois Supreme Court. He was also an officer of

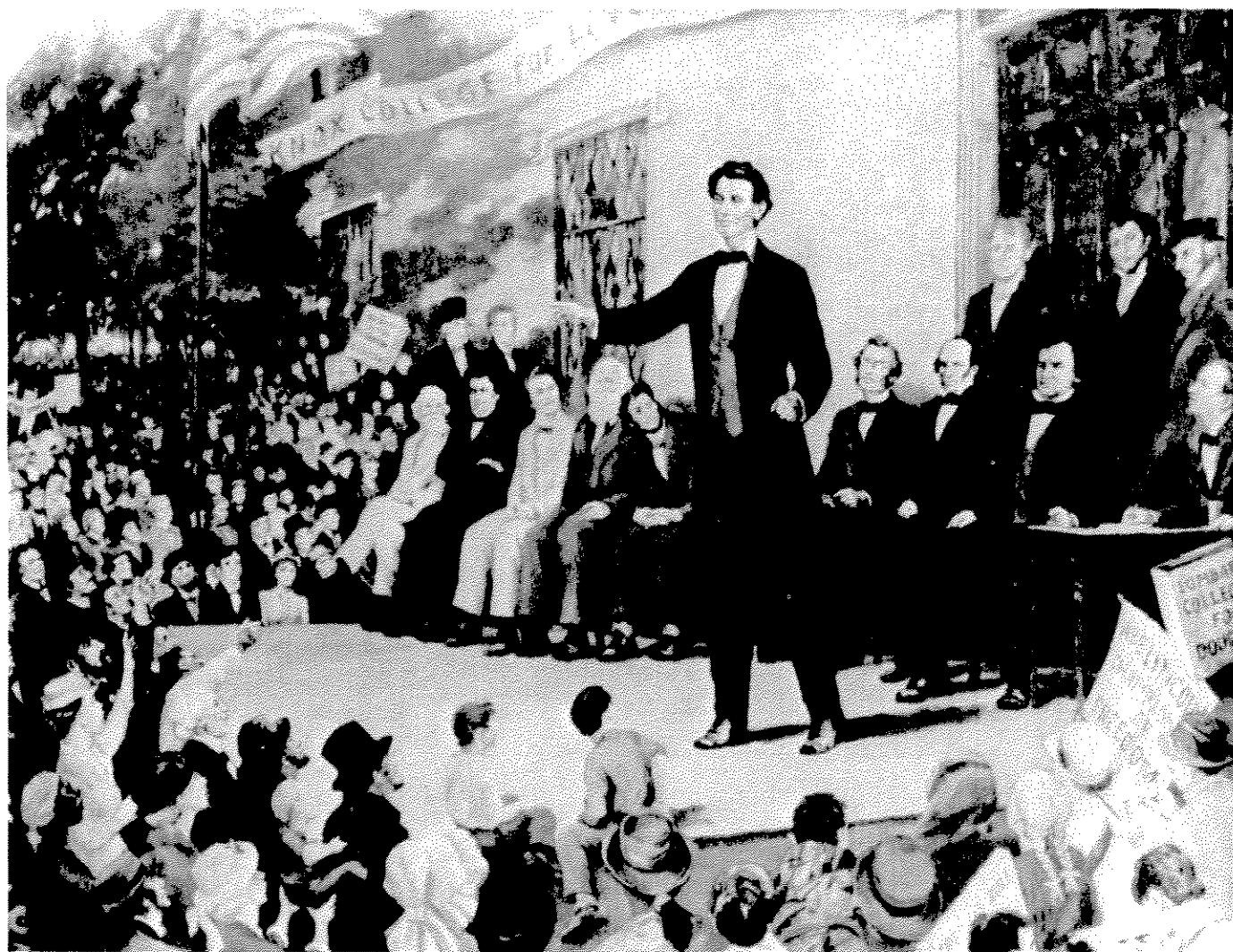
the Constitutional Convention which wrote the Constitution of 1870. Mr. Craig's son, C. C. Craig, also served as Justice of the Illinois Supreme Court.

William Selden Gale, son of one of the founders of Galesburg, was admitted to practice law but never actively practiced. A member of the Whig Party, Gale switched to the newly formed Republican Party, for which he served as a presidential elector in 1872. The design of the present courthouse in Galesburg was taken from floor plans which Mr. Gale

submitted to the architect. Gale also served several terms in the State Legislature, and was one of the people responsible for getting the first railroad through Galesburg. A contemporary of Gale lamented his choice not to practice law, saying that with that decision "this county lost its opportunity of furnishing to the State one of its foremost attorneys".

E. P. Williams, Galesburg, another prominent lawyer, served as President of the Illinois State Bar Association in 1908-09.

The Knox County Bar sent three



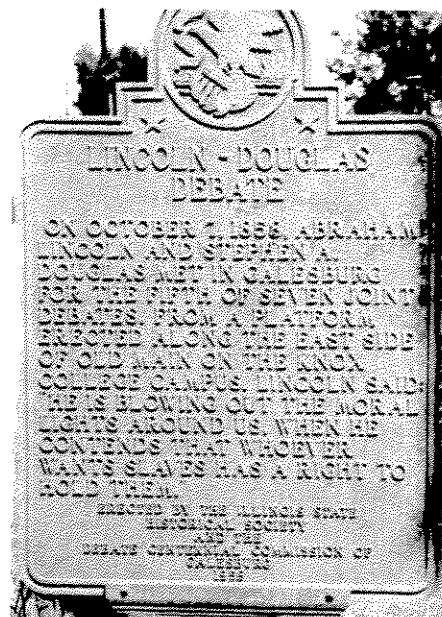
Lincoln and Douglas held one of their seven joint debates at Knox College in Galesburg on October 7, 1858. Shown here is an artist's drawing of that famous confrontation.

lawyers to the founding convention of the Illinois State Bar Association which occurred on Jan. 4, 1877. The three were Oscar F. Price, A. M. Brown and H. Chrisman, all of whom thereby became charter members of the Illinois State Bar Association.

The Knox County Bar Association currently has 51 members practicing in several towns within the county as well as some members with offices in surrounding counties. The senior member of the Bar Association is Ralph D. Lucas who has been practicing for 59 years, 54 of them in Galesburg. The President of the Knox County Bar Association is Charles M. Bell, the Secretary is Lane Smallwood, and Barney Olson II is Vice-President.



Alfred M. Craig, Galesburg, served as a Justice of the Illinois Supreme Court from 1873 to 1900. A son, Charles C. Craig, was a justice of the court from 1913 to 1918.



A plaque in Galesburg marks the spot where Lincoln and Douglas debated on October 7, 1858. The debate was held on the campus of Knox College.



E. P. Williams, Galesburg, President of the Illinois State Bar Association in 1908-09.



The Knox County Courthouse at Galesburg.

# LAKE COUNTY BAR

## LAKE COUNTY BAR'S CONTRIBUTION TO SOLUTION OF LEGAL PROBLEMS IN CONSTRUCTION OF COURTHOUSE WAS ONE OF ITS FINEST ACHIEVEMENTS

By MINARD E. HULSE, HARRY P. BREGER And JOHN F. WILLIAMS\*



THE Lake County Bar Association was organized in 1912 and Attorney John Pope was the first president. It existed as an unincorporated association until its incorporation as a not for profit corporation on Jan. 9, 1960.

Perhaps one of the greatest highlights of the activities of the Lake County Bar Association was the contribution that was made to the solution of the legal problems in the construction of the new courthouse.

In 1958 as an attempt was made to relieve the overcrowded condition of the courthouse, a bond referendum was held which was decisively defeated by the voters. However, legislation had been passed permitting a Public Building Commission to issue revenue bonds. The Lake County Public Building Commission was established, and after careful study it was determined that a courthouse complex was needed. This was to be a \$11,000,000.00 project.

The project was started but a suit was filed testing the constitutionality of the incorporation of the Lake County Building Commission and the legislation giving authority to create such a commission. The revenue bonds could not be sold without an approving opinion of Chapman & Cutler, and such an opinion could not be issued as long as there was litigation pending. The litigation filed by Attorney Paul Hamer named Robert Bowman on behalf of himself and all other taxpayers of the County of

Lake, State of Illinois, as Plaintiffs and the County of Lake, Lake County Board of Supervisors and, the Lake County Building Commission as defendants. The State's Attorney and the attorney for the Building Commission defended the litigation.

After a long delay the suit was dismissed, but notice of appeal was filed and after the filing of the record and briefs and oral argument the Supreme Court denied the appeal. Then came the motion for rehearing, which was denied, but this was not the end. On the day of denial, another suit was filed by Attorney Hamer, again challenging the constitutionality of the Lake County Public Building Commission, this time alleging seventeen grounds.

The State's Attorney needed help and appealed to the Lake County Bar Association. The Board of Governors responded and Attorney Gerald C. Snyder Sr. was retained to try to bring an end to this litigation. Mr. Snyder filed a petition for an original Writ of Prohibition with the Supreme Court on behalf of the Lake County Bar Association and Frank M. Daly, taxpayer, (Mr. Daly then being president of the Bar Association), asking that Robert Bowman and all other taxpayers be restrained from instituting further litigation. This was denied but in the opinion the Court stated that the matter could more appropriately be dealt with in the Circuit Court by a Counterclaim for Injunction. A Counterclaim was filed and the Supreme Court assigned the case to Judge Seidel of the Circuit Court

of Kane County to hear the case. The case was set for trial on August 14, 1964. Judge Seidel granted the Counterclaim and signed the injunction order. A motion for new trial was filed on the 30th day after the final order.

The motion contained no certificate that a copy had been served on opposing counsel as required by the rules of the Supreme Court. A motion was made to strike the motion on this ground, and this was granted. But this still was not the end. Opposing counsel filed notice of appeal in the expectation of gaining another delay while the appeal was pending. In order to avoid this, Mr. Snyder petitioned the Supreme Court to require the Circuit Court to immediately send the record to the Supreme Court, to enter a rule on the opposing counsel to file his brief in five days, allow the Bar Association five days to reply and schedule oral arguments within 15 days. Even though there was no precedent the Supreme Court granted the request.

Oral arguments were set within 15 days, and after oral argument the Supreme Court denied the appeal. But still this was not the end. On the 20th day opposing counsel filed a petition for rehearing. It was evident that even if this were denied a petition for Writ of Certiorari might be filed with the United States Supreme Court and still keep the litigation pending. The approving opinion on

\* Of Waukegan, members of Lake County Bar Association.

the bonds could not be written until the Mandate of the Illinois Supreme Court was filed with the Clerk of the Circuit Court and the Clerk of the United States Supreme Court confirmed that there was no Writ of Certiorari on file in that Court. To obviate a further delay, it was necessary that the opinion approving the bond issue be delivered, the bonds delivered, and check issued for the \$11,000,000.00, before any new proceedings were filed after the mandate was issued.

Arrangements were made whereby the Clerk received the mandate immediately after the issuance, a telephone call was made to the attorney issuing the opinion, a call was made to the Clerk of the United States Supreme Court in Washington, D.C. verifying that no petition had been filed, and the issuing of the opinion, the delivery of the bonds, and the delivery of the draft for \$11,000,000.00 to the attorney for the Lake County Building Commission. The funds to build the courthouse were on hand.

During the construction of the courthouse complex, Mr. Snyder, in behalf of the Bar Association, met with a committee of the Building Commission, the Judges, and architects, to plan modern and efficient courtrooms. Information was obtained from the files of the American Judicature Society relating to modern courtrooms, and a study was made of every new courthouse construction over a five year period. Numerous judges and attorneys in the areas where innovations in courtrooms had been in use were contacted, and opinions from the Bench and Bar were secured as to the merit or lack of merit of such facilities. Plans and specifications were secured from Judge Forte of Oregon whose court was the first "Court in the Round". A lengthy and cooperative relationship with the architects, and all other parties resulted in the adoption of the concept of the "Court in the Round" on a modified basis.

As a result of studies made by the American Judicature Society of inadequate courthouse space and rooms throughout the country the Building Commission was successfully urged to erect an additional floor to meet the needs of more courtrooms.

The courthouse complex was completed, and the beautiful new courthouse was dedicated on May 1, 1970. At the dedication services, the ceremonial courtroom was jammed, and there was closed circuit television for those who were unable to get into that courtroom. In the impressive ceremonies with a printed program, a special award was presented to attorney Snyder in the form of a large plaque which contained the following inscription:

"In deep appreciation to Gerald C. Snyder Sr., from the Lake County Bar Association for his dedicated, resourceful, intelligent, and successful legal services in the trial court, twice before the Illinois Supreme Court and once before the United States Supreme Court all rendered without charge, which per-



Gerald C. Snyder, Waukegan, President of the Illinois State Bar Association in 1959-60, was one of the first recipients of the ISBA Merit Award which was initiated in 1972. He was cited for his leadership in starting the ISBA newsletter, "Trial Briefs," and as the first Chairman of the Illinois Supreme Court Jury Instruction Committee.

mitted the construction of the Lake County courthouse complex in Waukegan, Illinois, May 1, 1970."

The plaque is now on display in the Courthouse.

Another highlight of the Lake County Bar Association activities was the awarding by the Freedom Foundation at Valley Forge to the Bar Association and the Waukegan Radio Station WKRS of the George Washington Honor Medal for outstanding achievement in bringing about a better understanding of the American Way of Life in the presentation of the radio program, "Steps to Justice." This program was presented in connection with Law Week, 1964. Its purpose and scope was as follows: The Lake County Bar Association has long been interested in presenting a program which would illustrate to the community the services which lawyers and judges perform, and the manner in which our legal system functions. It was felt that this could best be done by using a criminal trial presented in a manner to arouse public interest and truly illustrate the principles, rights and duties of all involved.

The officers and personnel of Radio Station WKRS, Waukegan, were also interested in such a program, and were willing to furnish the time necessary. The Bar Association and the Radio Station felt that many citizens did not understand our legal system, nor appreciate its importance in guaranteeing our free society. Accordingly, on January 14, 1964, at the Annual Meeting of the Lake County Bar Association, the members unanimously passed a Resolution authorizing the Officers of the Bar Association, and the Public Relations and Law Day Committees to cooperate with Radio Station WKRS in the presentation of such a series. Immediately, the two committees, and many other lawyers, whose number was to eventually exceed sixty, began their work in preparing an appropriate program. A two page statement of facts, which



## LAKE (cont.)

has been used by the Criminal Law Section of the Illinois State Bar Association in 1956, was the basis for the series. This set of facts raised many basic questions of law arising out of an armed robbery which ended in murder.

Arrangements were made with the Waukegan Community Players, a non-profit corporation in Lake County, to furnish the necessary cast for this program. It was designed to extend over a period of three weeks culminating in a "live", but unrehearsed trial on Sunday afternoon, May 3rd, as part of general Law Day observance in the County.

The basic steps of a criminal proceeding were divided into eleven parts facilitating their presentation in a serial manner. Arrangements were made with the High School to use its Auditorium on Sunday afternoon, May 3rd, and a special committee handled arrangements for stage settings. A series of ten scripts was prepared to realistically illustrate our legal system, the duties and responsibilities of judges and attorneys, the duties and responsibilities of citizens, and the rights of a criminal defendant.

The presentation itself, was divided into three parts for more effective presentation: *Part 1:* Was designed to cover criminal procedure to the time of the trial, and included the material which would ordinarily be related to, and the subject of, a regular news broadcast. *Part 2:* Concerned the commencement of the trial, including a motion to suppress tangible evidence, the selection of a jury, the opening statements of counsel, and in this case, the direct and cross examination of a witness. *Part 3:* Concerned the trial itself, and included the presentation of evidence by the prosecution and the defense, including direct and cross examination, motions during the trial, the

preparing and conference on jury instructions, closing arguments of counsel, instructing the jury, and their retirement and return with the verdict.

Many telephone calls and letters assured us that the listening audience was impressed by its realism and interest.

Another highlight of the activities of the Lake County Bar Association occurred during Law Week 1975. This program was conducted in cooperation with the Waukegan Radio Station WKRS and consisted of four daily sessions of a two house model legislature called the "Electronic General Assembly" and a "Mock Trial."

In 1967 the Lake County Bar Association sponsored and assisted in the establishment of the Legal Referral Bureau of Lake County, Inc., commonly referred to as the "Legal Aid" office. The purpose of "Legal Aid" was and is to provide representation to indigent litigants in civil matters. The office was staffed with three full time lawyers and two secretaries.



Clarence W. Diver, Waukegan, President of the Illinois State Bar Association in 1942-43.

Funding was 80% through Federal sources with a 20% local contribution. The Bar Association appointed six of their members to serve on the Board of Directors, meeting once a month to set Legal Aid policy and standards. Each year the President of the Bar Association appoints or reappoints six new members to serve for the ensuing year.

Since 1967 the Bar Association has also donated several thousands of dollars in cash to be used by Legal Aid for its general purposes. Individual members have also made contributions such as providing free of charge, over 1,100 square feet of office space for the years 1967 to 1975.

Several attorneys have, over the years, volunteered to staff the Legal Aid office during evening hours, to interview applicants, and where appropriate, have completed the representation, without charge from their own offices.

One particularly dramatic instance of help being offered by the private Bar occurred in 1973. At that time the Legal Aid office was inundated by a backlog of cases and appealed to the Lake County Bar Association for help. The Bar Association sent a flier to each member asking for volunteers and almost half of the membership responded affirmatively stating they would accept the assignment of one or more case to be handled without charge.

The Illinois Bar Association held its 84th Annual Meeting in Waukegan, Illinois, on June 22, 23, 24, 1960, during the presidency of Gerald C. Snyder Sr. President Snyder immediately upon his election as President led the attack upon the "Economic Anemia" of the legal profession and made this the principal feature of the Annual Meeting by the presentation of the Economic Institute. More than 900 lawyers from all over the state responded to this attack upon Economic Anemia by attending the Annual Meeting. This proved to be the largest number attending an annual meet-



ing in the history of the Association. The Lake County Bar Association was faced with the problem of housing and entertainment. Every available hotel room, motel room and other lodging in the area was booked and utilized. Entertainment included a steer roast at the newly opened Illinois Beach State Park Lodge where nine hundred people were served while Ike Cole and his orchestra entertained. Some five hundred wives attended the meeting. Their entertainment included an all-day trip to Honey Bear Farm in Wisconsin.

The Economic Institute, the first in Illinois State Bar Association's history, was a tremendous success. The large auditorium on the West Campus of the Waukegan Township High School was packed at all three sessions. Nationally known experts demonstrated the practical way of furnishing efficient legal services to clients and securing proper fees. Bookkeeping practices for large and small firms, training the legal secretary, control of cases, time and profitability, the determination and collection of attorney fees and practical helpful detail of conducting a successful practice were forcefully presented.

This 84th Annual Meeting was opened by Mortimer Singer, Lake County Bar Association President, giving a welcoming address, followed by an address by Governor William G. Stratton. At the annual banquet, again the largest in the history of the Illinois State Bar Association, former Governor Adlai Stevenson was the principal speaker.

On August 8, 1976, the Lake County Bar Association was named a recipient of the Award of Merit by the American Bar Association for a unique and outstanding bar association project developed and achieved during 1976 in connection with Law Day USA. A summary of this project is as follows:

A mock Electronic Bicentennial Constitutional Convention was held April 26-30, 1976, in the Lake County

Supervisors Board Room. The sessions lasted from 9 a.m. to 12 noon and from 2-4 p.m., and were broadcast on radio station WKRS of Waukegan, Illinois.

Thirteen high schools participated. Each school was assigned a topic and submitted a proposed article for a constitution (the convention was run on the basis that there was no constitution in force). After the first reading, the sponsoring schools spoke to its adoption. The proposals were then subjected to debate and amendment. Guest speakers appeared as expert witnesses. Some appeared in person and others, including two U.S. Senators and two members of the U.S. House of Representatives, addressed the convention by means of a speaker-phone set-up provided by Illinois Bell which allowed the student-delegates to question them. The public also participated by phone.

After the time allotted for debate, the proposed article was put to a vote of the delegates. On Friday morning, April 30, a one-hour formal obser-

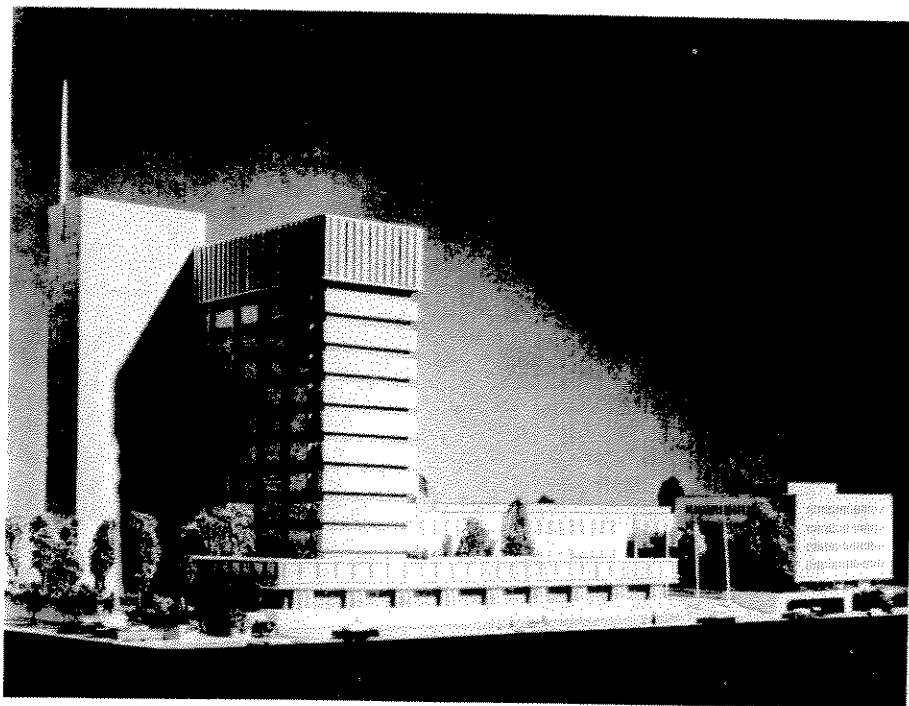
vance of Law Day was held with the circuit court sitting en banc. The Younger Members Committee of the Bar Association presented the Liberty Bell Award and the Honorable John F. Grady, Judge of the Federal District Court for Northern Illinois, gave the principal address. On Friday afternoon, the delegates convened at the radio station. Each proposed article was read and the sponsoring school gave a short address to its adoption. The public was then invited to vote on the article by phoning the radio station. Of the fifteen articles proposed, eleven were adopted and four were defeated.

The Radio Station surveys indicated an audience of 100,000.

During the week, members of the Bar Association gave twenty-one talks at junior high schools throughout the County.

#### ITEMS OF INTEREST CONCERNING THE LAWYERS OF LAKE COUNTY:

The Circuit Court of Lake County was the scene of two trials which



The Lake County Courthouse at Waukegan.

## LAKE (cont.)

received national publicity. The first was the trial of William Orpet who was indicted and tried for murder in 1916. Honorable Charles H. Donnelly was the presiding Judge. The prosecution was represented by Ralph J. Dady, State's Attorney of Lake County, and he was assisted by Attorney David Joslyn from Woodstock, McHenry County, and Attorney Eugene M. Runyard of Waukegan. The Defendant was represented by Attorney James H. Wilkerson of the firm of Wilkerson, Cassels and Potter of Chicago, and Attorney Leslie P. Hanna of Waukegan. After a two months long sensational trial, the defendant was acquitted. James H. Wilkerson was later appointed Judge of the United States District Court and presided at the trial of Al Capone.

The second trial which received national publicity was the trial of Len Small, former Governor of the State of Illinois. Governor Small was indicted in 1921 for conspiracy and embezzlement. The defendant was arraigned before the Honorable Claire C. Edwards, Judge of the Circuit Court of Lake County, and after many preliminary motions the trial proceeded. The prosecution was represented by Col. A. V. Smith, State's Attorney, Attorney Ralph J. Dady, and Attorney Edward J. Brundage, Attorney General of the State. The defense was represented by Attorney C. E. LaForgee of Decatur, and Attorney Werner H. Schroeder of Chicago, and Attorney Alexander F. Beaubien of Waukegan. After a two month trial the defendant was acquitted.

Two former presidents of the Lake County Bar Association have served as Presidents of the Illinois State Bar Association: Clarence W. Diver, deceased, and Gerald C. Snyder Sr.

Gerald C. Snyder Sr., was the father of the first and most famous Section

publication of the Illinois State Bar Association, "Trial Briefs," and was its editor from 1955 to 1960. The Illinois Supreme Court appointed him chairman of the Illinois Supreme Court Jury Instruction Committee. He was chairman of this committee from 1956 to 1966 and was co-editor of Illinois Pattern Jury Instructions. In 1956 he was elected chairman of the National Conference of Bar Presidents. He was a sponsor of and on the Board of Trustees of the Institute for Court Management, Denver, Colorado, and on the steering Committee which originated the National Center for State Courts, Washington, D.C. The Illinois State Bar Association presented him with the Award of Merit for Service to the Profession on June 20, 1972. On June 21, 1976, the American Judicature Society presented Gerald C. Snyder Sr., with the Herbert Harley Award in recognition of services in promoting The Effective Administration of Justice.

Three attorneys from Lake County have been appointed to the United



Judge John F. Grady, Waukegan, a judge of the U.S. District Court for the Northern District of Illinois and formerly a member of the Illinois State Bar Association Assembly.

States District Court of Northern Illinois: Henry Blodgett by President Grant; Bernard M. Decker by President Kennedy; and John F. Grady by President Ford.

Appellate Court Justice Thomas J. Moran of Lake County was elected Justice of the Supreme Court of Illinois in the election of Nov. 2, 1976.

Some mention should be made of the legal and political career of Elijah M. Haines. Mr. Haines was a prominent lawyer in Lake County between 1845 and 1880. Mr. Haines platted a village of Hainesville which is located west of Grayslake on Belvidere Road (State Route 120). He owned a farm in that vicinity and the village of Hainesville was organized around 1850. The village of Hainesville is still a small community. Its activity as a village was dormant for many years but about 20 years ago the activities of the village were revived and it is now a thriving village.

Mr. Haines was an independent in politics during the years when the Democratic and Republican voting strength was somewhere near equal — around 1875. He was elected a member of the lower house of the legislature from the district then including Lake County. He went to Springfield for the opening session of the legislature as an independent representative from the Lake County district.

It so happened at the election at which Mr. Haines was elected as an independent that the number of representatives between Democrats and Republicans was exactly equal. The political leaders called a caucus for the purpose of attempting to select a speaker of the house and were completely deadlocked. The Republican members of the legislature consistently voted for a member of their choice and of their party for speaker and the Democratic members of the legislature consistently voted for a member of their party as speaker of the house and that vote was equal.

Mr. Haines did not vote with either party as he was elected as an independent.

After many days of political wrangling, a solution was found — elect Elijah M. Haines as Speaker of the House — as he was in a position to cast a deciding vote. He accepted the honor and served as Speaker of the House during one term. Mr. Haines was a prominent lawyer and had powerful political connections throughout the State.

Mr. Haines wrote a history of Lake County dated in 1852. It is a well written, interesting history and the first of its kind in the country. Very few copies of the history are now in existence.

Elijah Haines in his book previously mentioned listed the lawyers and officials present at the opening of the first term of the Circuit Court in Little Fort (now Waukegan) on October 20, 1841. The presiding Judge was Theodore W. Smith, who was also a Justice of the Illinois Supreme Court at that time. There had recently been passed legislation which created a nine-member Supreme Court and which required each member also to "ride circuit". Among the lawyers in attendance was Isaac Hopkinson, the first lawyer to settle in Little Fort.

The Lake County Bar Association is unique in having a law family now in its fourth generation of direct succession practicing law in Waukegan for 121 years. Isaac Clarke and his brother Francis came to Waukegan from Vermont a few years apart. Isaac came first after receiving his law degree at Dartmouth College in 1848. He first worked as a professor at the Waukegan Academy while studying law with Elisha Ferry and was admitted to the Bar in 1855 and entered into partnership with Elisha Ferry. Francis established his residence here in 1850 but returned to Dartmouth to finish his law studies and then returned to Waukegan in 1851. Francis became principal of

the Waukegan Academy and remained in this position until he was admitted to the Bar in 1855. He practiced law and became County Judge in 1879. In the meantime Francis had been County Superintendent of Schools from 1862 to 1870 and Superintendent of the City Schools for several years. He also served as Master in Chancery from about 1866 to 1891.

Isaac Clarke enlisted in the Army shortly after the outbreak of the Civil War and was killed at the Battle of Chickamauga in 1863. His son, Elam Lewis Clarke, practiced law in Waukegan from 1898 until his death in 1929. His son, Lewis Douglas Clarke, is now engaged in the practice of law in Waukegan and is a past president of the Bar Association. His son, Lewis Jr., is also now practicing with him.

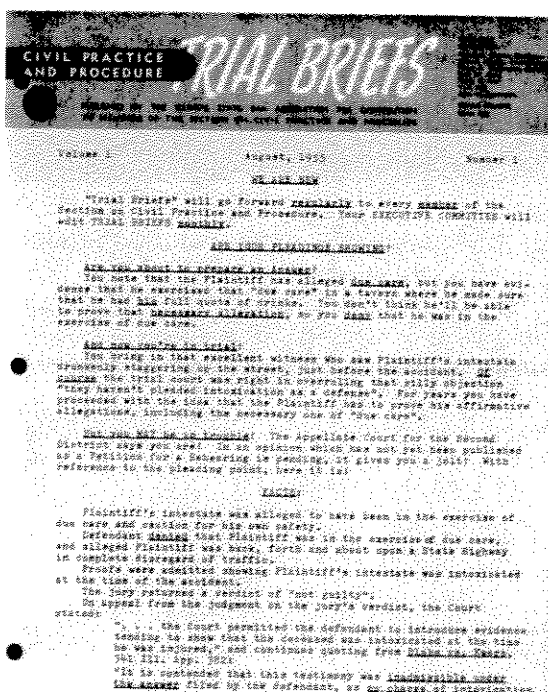
The firm of Whitney and Upton, consisting of Charles Whitney and William C. Upton, was a prominent law firm in Waukegan during the early years of this century. Judge

Whitney was elected Circuit Judge in the year 1911, and served until his death in 1914. He was assigned to the Appellate Court in and for the second district sitting in Ottawa. He was succeeded by Judge Claire C. Edwards who served until 1930 and was succeeded by Judge Ralph J. Dady. Judge Dady served until his retirement in 1955 and also served as a Justice of the Appellate Court.

Mention should also be made of Perry L. Persons, a lawyer of Waukegan who was elected County Judge of Lake County in 1910 and served until 1946.

In 1922 the County of Lake had reached sufficient population so that it was entitled to a separate Probate Court. An election was held for probate judge in that year and Martin C. Decker of Waukegan was elected Probate Judge. He served from the time of his election until his retirement about 25 years later.

ADA



This is the first issue of "Trial Briefs" started in 1955 under the editorship of Gerald C. Snyder. Mr. Snyder's role as "George" in the newsletter spurred interest in the newsletter and its readership soon reached into the thousands.

# LAWRENCE COUNTY BAR

SUPREME COURT JUSTICE WILLIAM WILSON  
PRESIDED AT THE FIRST CIRCUIT COURT SESSION  
IN LAWRENCE COUNTY

By MAURICE E. GOSNELL\*



THE first record of any legal activity in the newly formed Lawrence County, Illinois, occurred at the June term, 1821, in the home of Toussaint Dubois.

This was the first Circuit Court. The judge holding the court was Supreme Court Justice William Wilson. The Circuit Attorney was John M. Robinson. At the November term, 1821, General W. Johnston produced a license to practice law in the State of Illinois (by whom issued does not appear) and took the oath to support the Constitution of the United States and of the State of Illinois and the oath of office as counselor and attorney at law.

Attorneys G. W. Johnston, John McClain (a native of Kentucky), Edward Mundy (Wabash), John Law, J. O. Wattles (Albion), Edwin B. Webb (who was in the Illinois Legislature for many years), R. Daniel, A. M. Robertson, George Ewing and John M. Robinson (the prosecuting attorney at the June term, 1821, who was also a United States Senator), practiced in Lawrence County during the years 1821 to 1825, as well as in Edwards and Wabash Counties. These attorneys appear to have been circuit riders.

The Judges and State's Attorneys who served Lawrence County from the years 1825 through the present date are listed below:

## JUDGE

James O. Wattles, Esq. .... Nov. 1826  
(1825-1827)

Thomas C. Browne ..... 1827  
(1 year, 1827)  
William Wilson, Esq. .... Apr. 1827  
(1819-1825)  
(1828-1835)  
(1841-1849)  
Justin Harlan, Esq. .... Mar. 1835  
(1835-1841)  
(1849-1859)

Alexander Grout ..... Sept. term  
1835 only  
Justin Harlan ..... Mar. 1836  
William Wilson ..... Apr. 1842  
Justin Harlan ..... Apr. 1849  
Justin Harlan ..... 1857  
James C. Allen ..... 1861  
(commissioned 7/1/1861  
resigned 12/31/1862)  
Aaron Shaw ..... Apr. 1863  
(commissioned 3/2/1863-1867)  
Richard S. Canby ..... 1867  
James C. Allen ..... 1873

## STATE'S ATTORNEY

J.M. Robinson ..... Apr. 1827  
O.B. Ficklin ..... Mar. 1835  
(Mt. Carmel)  
E. B. Webb & Aaron Shaw... Mar. 1836  
(1835-1850)  
Aaron Shaw ..... Apr. 1842  
Finney D. Preston ..... 1861  
Alfred Kitchell, ..... Sept. 1862  
prosecutor  
Edward T. Wilson ..... Apr. 1863  
Finney D. Preston ..... 1870  
H. A. Briscoe ..... 1873  
(died in office)  
Thomas B. Huffman

The following appear in Circuit Court records as attorneys practicing in Lawrence County between 1860-1880: J. G. Bowman, Aaron Shaw, Alfred Kitchell, D. L. Brewer, D. B. Abernathy, Louis Abernathy, Jehu Fields, William Robinson, T. P. Lowery, H. A. Briscoe, I. N. Farnsworth, J. M. Longnecker, J. C. Denny, Wilson & Hayward, James S. Pritchett, E. C. Callahan, who was to be Presi-

dent of the Illinois State Bar Association in 1889 (Robinson), E. B. Green (Mt. Carmel), H. C. Sands, William J. Crews, S. B. Rowland, William Lindsay, T. A. Stewart, and Thomas B. Huffman.

Many distinguished and colorful lawyers occupied the Judicial offices of the County from 1880 to the present date as shown below.

## CIRCUIT JUDGE

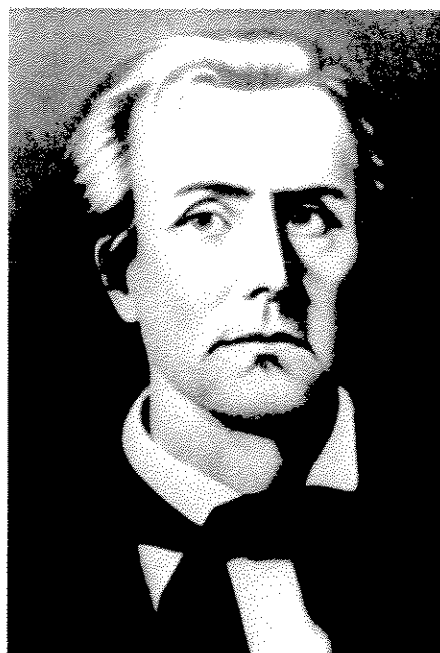
Chauncey S. Conger ..... 1880  
William C. Jones ..... 1882  
Thomas C. Casey ..... 1884  
William C. Jones ..... 1885  
Carroll C. Boggs ..... 1888  
William C. Jones ..... 1888  
S. Z. Landes ..... 1892  
E. D. Youngblood ..... 1892  
S. Z. Landes ..... 1896  
Enoch E. Newlin ..... 1904  
P. A. Pearce ..... 1904  
J. R. Creighton ..... 1908  
E. E. Newlin ..... 1908  
W. H. Green ..... 1908  
E. E. Newlin ..... 1912  
Jacob R. Creighton ..... 1912  
William H. Green ..... 1912  
Charles H. Miller ..... 1912  
J. C. Eagleton ..... 1916  
Charles H. Miller ..... 1916  
Julius C. Kern ..... 1920  
J. C. Eagleton ..... 1920  
Charles H. Miller ..... 1920  
Charles H. Martin ..... 1924  
J. C. Eagleton ..... 1924  
Roy E. Pearce ..... 1928  
Julius C. Kern ..... 1928  
Charles H. Miller ..... 1928  
Roy E. Pearce ..... 1932  
W. Joe Hill ..... 1932  
Blaine Huffman ..... 1932  
Roy E. Pearce ..... 1934  
W. Joe Hill ..... 1934  
Blaine Huffman ..... 1934  
Roy E. Pearce ..... 1936

\* Of Lawrenceville, member of Lawrence County Bar Association.

W. Joe Hill	1936
Blaine Huffman	1936
Roy E. Pearce	1938
W. Joe Hill	1938
Blaine Huffman	1938
Roy E. Pearce	1940
W. Joe Hill	1940
Blaine Huffman	1940
Roy E. Pearce	1942
W. Joe Hill	1942
Blaine Huffman	1942
Roy E. Pearce	1944
W. Joe Hill	1944
Blaine Huffman	1944
B. W. Eovaldi	1946
Charles T. Randolph	1946
Caswell J. Crebs	1946
B. W. Eovaldi	1948
Charles T. Randolph	1948
Caswell J. Crebs	1948
B. W. Eovaldi	1950
Charles T. Randolph	1950
Caswell J. Crebs	1950
B. W. Eovaldi	1952
Charles T. Randolph	1952
Caswell J. Crebs	1952
B. W. Eovaldi	1954
Charles T. Randolph	1954
Caswell J. Crebs	1954
B. W. Eovaldi	1956
Charles T. Randolph	1956
Caswell J. Crebs	1956
Roy O. Gulley	1958
Randall S. Quindry	1958
Caswell J. Crebs	1958
Roy O. Gulley	1960
Randall S. Quindry	1960
Caswell J. Crebs	1960
Roy O. Gulley	1962
Randall S. Quindry	1962
Caswell J. Crebs	1962
Roy O. Gulley	1964
Randall S. Quindry	1964
Charles E. Jones	1964
Roy O. Gulley	1966
Randall S. Quindry	1966
Charles E. Jones	1966
Roy O. Gulley	1968
Randall S. Quindry	1968
Charles E. Jones	1968
Roy O. Gulley	1970
Randall S. Quindry	1970
Charles E. Jones	1970
Roy O. Gulley	1972
Randall S. Quindry	1972
Charles E. Jones	1972
Philip B. Benefiel	1973
Philip B. Benefiel	1976

#### COUNTY JUDGE

Frank C. Meserve	1893
Amos N. Goodman	Jan. 1897
J. D. Madding	Dec. 1898
J. D. Madding	Dec. 1903
Jasper D. Madding	1906
J. A. Benson	1907

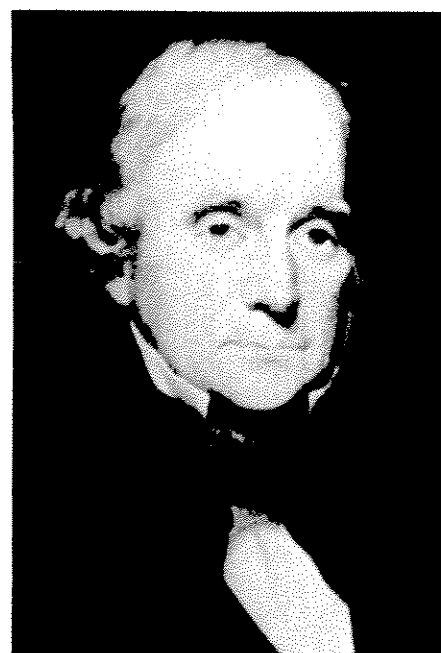


Supreme Court Chief Justice William Wilson who, as a circuit riding judge, presided at the trial of Elizabeth Reed.

J. A. Benson	1914
Otto W. Longnecker	1915
L. B. Fish	1919
Jasper A. Benson	1926
N. M. Tohill	1931
Philip H. Lewis	1934
P. H. Lewis	1938
N. M. Tohill	1942
N. M. Tohill (died 1947)	1946
R. S. Simpson	1950
R. S. Simpson	1954
R. S. Simpson	1958
Lester B. Fish	1962
Lester B. Fish	1966
Philip B. Benefiel	1968

#### STATE'S ATTORNEY

T. B. Huffman	1880
K. P. Snyder	1882
Sylvester J. Gee	1888
John E. McGaughey	1892
Noah M. Tohill	1896
George W. Lackey	1900
Thomas H. Cunningham	1904
B. O. Sumner	1908
R. M. Shaw	1912
Blaine Huffman	1916
Otto W. Longnecker	1920
Philip H. Lewis	1924
Guy E. McGaughey	1928
Guy E. McGaughey	1932
Joseph F. Diver	1936
M. E. Gosnell	1940



Augustus C. French, a Crawford County attorney who reportedly helped defend Elizabeth Reed in that famous criminal case. He later became Governor of Illinois.

M. E. Gosnell	1944
Philip B. Benefiel	1948
R. D. Cunningham	1952
R. D. Cunningham	1956
R. D. Cunningham	1960
Edward Benecki	1964
R. D. Cunningham	1968
R. S. Simpson	1970
R. S. Simpson	1972

The lawyers who practiced in Lawrence County from 1880 through 1976 (not in chronological order) were: John O. Martin, Guy E. McGaughey, Fred W. Gee, Noah M. Tohill, George W. Lackey, James O. Groff, T. H. Cunningham, S. C. Lewis, Frank C. Meserve, C. J. Borden, Philip W. Barnes, Sylvester J. Gee, Charles H. Martin, Thomas B. Huffman, Byron Sumner, George Huffman, E. M. Kingsbury, Lester B. Fish, Raleigh M. Shaw, Philip H. Lewis, Benjamin O. Sumner, Blaine Huffman, Guy E. McGaughey Jr., George A. Lackey, John E. McGaughey, Maurice E. Gosnell, Joseph F. Diver, J. Edward Day, George M. Proctor, Walker J. Henry, Richard S. Simpson, Philip B. Benefiel,

## LAWRENCE (cont.)

Robert Cain, Robert Fitzpatrick, Roscoe D. Cunningham, Charles L. Quindry, Edward Benecki, John Lindsey, Samuel H. Taylor, John F. Borden, Douglas A. Enloe, Allen Large, and Murphey Land.

A few highlights about the judges and lawyers of Lawrence County:

The Hon. William Wilson, one of the earliest judges in the State of Illinois, and the first judge to hold court in Wabash and Lawrence Counties, came from Virginia. He had the dubious distinction of being the trial judge in the infamous case of *People v. Elizabeth Reed*, who was convicted of poisoning her husband, and hanged near what is now the football field of the Lawrenceville Township High School. Elizabeth Reed was the only woman ever executed by civil authorities in the State of Illinois.

Aaron Shaw was admitted to the Bar in 1835. He was the prosecutor in the *People v. Elizabeth Reed* case. He was subsequently elected to the Legislature in 1850 and to Congress in 1857. He moved to Olney and ended his days in the practice of the law there.

Joseph G. Bowman was admitted to the Bar in Wabash County but located in Lawrence County in 1835 and practiced in Lawrence County for over 35 years.

A young attorney named Frederick A. Thomas came to Lawrence County about 1840, was elected Circuit Clerk, and died in office.

Two Abernathys practiced law in Lawrence County. Both located in Lawrence County about 1860. Lewis Abernathy was elected to office as School Commissioner and David B. Abernathy was appointed and acted as Master in Chancery.

T. P. Lowery migrated to Lawrence County as an attorney in the year 1860. He was County Surveyor for



Ethelbert Callahan, Robinson, one of the founders of the Illinois State Bar Association and President in 1889, practiced in Lawrence County as well as in Crawford County, his home county. Retired Justice Caswell J. Crebs, Robinson, is a great step son of Ethelbert Callahan.

two terms, later became school Superintendent and Justice of the Peace, and left Lawrence County for Texas after 1872.

Jehu Fields was a graduate of the law department of the State University of Indiana, was admitted to the Bar in 1867, was a partner of E. B. Green of Mt. Carmel, practiced law in Lawrenceville. He was Master in Chancery from 1871-1878.

William J. Crews studied law under J. G. Bowman and was admitted to practice in 1846. He became County Judge in 1867 and resigned in 1872 when he was elected to the State Senate.

Thomas B. Huffman was admitted to the Bar in 1869. He was elected County Judge in 1872 to fill the vacancy occasioned by the resignation of William J. Crews. He was later chosen to fill the vacancy in the office of Prosecuting Attorney and ultimately was elected to that office. He was a partner with D. B. Abernathy in

1869, with E. C. Callahan for two years, with D. L. Brewer from 1881-1882, and in 1882 became a partner with Sylvester J. Gee who had studied law in the law office of Brewer & Huffman.

S. B. Rowland was admitted to the Bar in 1871. He was a graduate of the law department of the University of Michigan. In 1882, when a partner with T. P. Lowery, he purchased the Lawrence County Democrat. He later formed a partnership with E. S. Wilson of Olney, and moved to that city.

George Huffman, a brother of Thomas B. Huffman, was admitted to the Bar in 1871. In 1878 he began the practice of law in Lawrenceville. In 1880 he formed a partnership with Frank C. Meserve and the Huffman & Meserve partnership purchased the Democratic Herald in 1881 and published it for many years.

Frank C. Meserve was the son of a lawyer. He was a graduate of Boston University in the year 1877 and completed his legal training in the office of Callahan & Jones, attorneys, of Robinson. He was admitted to the Bar in 1880 and practiced law in Lawrenceville until his death in 1933.

C. J. Borden, a native of Pennsylvania, was a graduate of the law department of the University of Louisville, in 1879 and practiced law in Lawrenceville commencing with the year 1881.

Philip W. Barnes was admitted to the Bar in 1882, opened an office in Lawrenceville on December 4 of that year, was elected County Judge in 1882, and practiced law in Lawrenceville until his death in 1929.

S. J. Gee was one of the most prominent and successful attorneys in Lawrenceville. He organized the Farmers State Bank which became the leading bank in the County.

Raleigh M. Shaw was a leading trial lawyer who served two terms in the State Senate. In 1933 he was Governor Horner's Floor Leader.



J. Edward Day was a member of the McGaughey firm in the early 1940's. He later became Post Master General of the United States.

The writer became a trial lawyer with practice throughout Southeastern Illinois and has been active in the Illinois State Bar Association for many years.

Philip B. Benefiel was the youngest State's Attorney ever elected in Lawrence County. He served two years in the Illinois Senate.

Roscoe D. Cunningham served more terms as State's Attorney than any other incumbent. In 1970 he was elected to the Illinois House of Representatives.

The newest member of the Lawrence County Bar is Ruth Ann Gosnell, who was admitted May 18, 1976, and immediately became a member of the firm of Gosnell, Benecki, Borden, & Enloe, Ltd.

The most famous lawyer who appears in the Court Records of the County was Abraham Lincoln who represented Daniel L. Gold, Administrator of the J. C. Reilley Estate in an action in the 1840's.



J. Edward Day, Lawrenceville, practiced in that town before becoming Post Master General under President Kennedy.



The Lawrence County Courthouse at Lawrenceville.

# LIVINGSTON COUNTY BAR

LIVINGSTON COUNTY'S COURTHOUSE WAS  
THE SITE OF SEVERAL NOTABLE CRIMINAL TRIALS.  
FORTY-SIX LAWYERS  
NOW RESIDE IN THE COUNTY.

By JESSE J. HERR\*



When the first white settler, Valentine Martin Darnall, a Virginian, came to Livingston County with his family in 1830, they selected for their future home, a clear spot in a timber land area south of Fairbury. At this time, a tribe of Kickapoo Indians, 630 in number, occupied "Olivers Grove" located south of Chatsworth and about 12 miles distant from the Darnall home. The Kickapoos, a friendly tribe, were removed by the government in 1832 to a reservation west of St. Louis.

Livingston County, the fourth largest county in the state, was formed by an act of the legislature in 1837 out of McLean and LaSalle Counties. The territory had formerly been a part of Cook and Vermilion Counties. The county had a population in 1837 of 450. Pursuant to this legislative act, Henry Weed, Lucius Young and Seth Young agreed to donate a block of ground, \$3,000.00 in cash and an acre of ground for the erection of a courthouse. Also a site for a jail, and a stray pen lot, and in addition, agreed to build a wagon bridge over the Vermilion River near the land donated by them.

The county was named for Edward Livingston, a member of a distinguished and wealthy family residing in the East. Livingston served as Mayor of New York City, as a Congressman from New York and later from Louisiana and then as a Senator from Louisiana, a minister to France

and Secretary of State under President Jackson.

The first courthouse, 20 x 30 feet and two stories high, was constructed at a cost of \$800.00 in 1839-40 by a Mr. John Foster. The weather boards were walnut planks and the roof was of walnut shingles, all obtained from nearby timber land and cut at a saw mill on the bank of the Vermilion River. The first courthouse was moved in 1856 to the present site of the First Methodist Church in Pontiac to make room for the construction of a larger courthouse. The second courthouse was built at a cost of \$14,000. At this time, it is recorded that many county residents thought that the building under construction was larger and more expensive than necessary and that it could have been built for less than \$10,000. When completed, the Pontiac Post Office was located in one room of the new courthouse and practicing attorneys occupied offices not in use by regularly elected officers. After the Civil War, the courthouse square became an eyesore and the courthouse burned to the ground on July 4, 1874. Two fireproof vaults were erected in 1871 to house the records and these vaults withstood the fire and saved the records from damage. The cost of the construction of the new courthouse which was built and accepted in 1875 was slightly in excess of \$75,000. The contractors lost about \$15,000.00 in building the courthouse and became bankrupt in part by this loss.

A number of notable crimes tried

in Livingston County included one that resulted in the hanging of Johannes DeBoer, who at the age of 19 years was charged with the murder of Ella Martin, 16, near the Illinois Central tracks south of Minonk, Illinois. Feelings ran high, and as a result, the case was transferred to Livingston County, and on the day of the trial so many persons from the Minonk area jammed the courthouse that the Governor was required to place the National Guard in charge during the trial, and the prisoner was marched from the jail to the courtroom between two lines of soldiers to prevent bodily harm by the infuriated citizenry. DeBoer was convicted and hanged in the County Jail in March 1880.

In another case, a Mary Murphy was found murdered November 11, 1858 south of Pontiac near the C&A Railroad tracks. A Negro named Bob was arrested and after a preliminary hearing was discharged. In May of 1859, another Negro by the name of Morris was arrested in Wisconsin and brought to jail in Bloomington as the Livingston County Jail was not built until 1866. Morris was confined until the fall of 1860 when his trial began resulting in an 11 to 1 failure to convict. The case was transferred to Kankakee County where he was convicted in a second trial in April, 1861, condemned to hang, and was hanged in Kankakee in May of that year. In a history of Livingston County published in 1909 in referring to

\* Of Pontiac, a member of the Livingston County Bar Association.

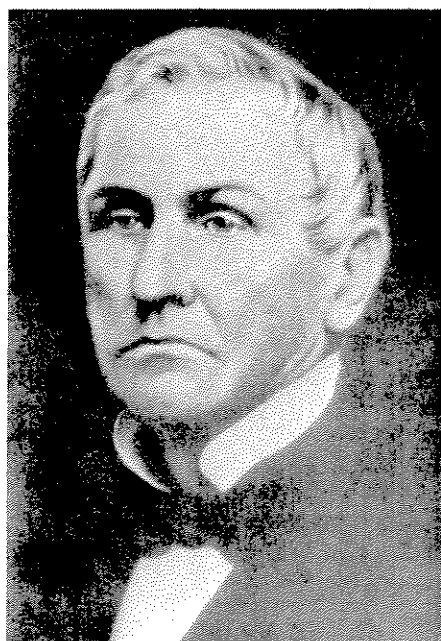
this conviction, it is stated that in 1877 one of the Hildebrand brothers, notorious desperados, on his death bed in Baltimore, Maryland, confessed to the murder of Mary Murphy stating that he was on a horse stealing expedition near Pontiac with two well-known criminal characters and his confession became the subject matter of wide-spread publicity in Eastern and other newspapers.

A guard at the Pontiac Reformatory, now known as Correctional Center, was killed by an inmate in 1922. The accused was tried and sentenced to hang by Judge Stevens R. Baker a few weeks after he took his office as Circuit Judge. As a result, the accused was hanged in the courthouse yard and this was the last hanging in Livingston County. The Sheriff's Office has the custody of the rope used in this hanging as well as a stand-by rope if its use became necessary.

Many of the men who practiced law in the early days in Livingston County came from the East, Maine, Vermont, New York, Pennsylvania, Ohio and one from Scotland and a surprising number of them were primarily farmers who in their spare time studied law and started to practice law in the county and a considerable number of them upon retiring resumed farming. Prior to the local residents practicing law in Livingston County, most of the early lawyers came from Bloomington and Ottawa. Woodford G. McDowell was the first resident lawyer in the county. Like many other practitioners, he was never admitted to the Bar. He operated a saw mill, ran a store, farmed and studied law as a side line and was appointed first Master in Chancery in 1844 by a Circuit Judge residing in Ottawa, Illinois and he was elected County Judge in 1859. The first regular term of the Circuit Court was held in 1840 in a log cabin on the bank of the Vermilion River before the first courthouse was completed. This ses-

sion was presided over by Samuel H. Treat of Springfield and later Judge Evan S. Leland of Ottawa presided as Judge in Pontiac.

Much to the everlasting credit and good judgment of the people of Livingston County and their elected officials, all plans to relocate the courthouse in some outlying area near the city limits and build it new at a cost of several million dollars was rejected. Instead, an excellent remodeling job of the interior of the existing building was commenced in 1975 and completed in 1976 by Opperman and Sons, local contractors at a cost of approximately \$380,000. The exterior of the existing courthouse, 100 years old, when the interior was remodeled, remains unchanged aside from landscaping. In addition to a full basement and two vaults constructed in 1871 and not destroyed in the fire of 1874, the two stories provide with air conditioning, convenient accommodations for the following county offices: County Treasurer, Circuit Clerk, Sheriff, Zoning Commission, County Clerk and Recorder and State's Attorney on the first floor. The



Judge Samuel H. Treat.

second floor, with elevator service, provides offices for the three divisions of the Circuit Court, namely the General Division presently presided over by Circuit Judge William T. Caisley, the Associate Division presided over by Circuit Judge, Darrell Reno, and the County Division presided over by Circuit Judge, Charles E. Glennon. Each division has a separate jury room, conference room and Judge's Chambers. Separate offices are also provided on the second floor for the County Probation Officer and the County Board. The following is a list of the judges of the Circuit Court of Livingston County, all of whom were residents of the County with the exception of William T. Caisley who is a resident of Bloomington, and the nonresident judges assigned to serve Livingston County from 1891 to 1897:

Nathanial J. Pillsbury	1873-1891
Nonresident Judges	1891-1897
George W. Patton	1897-1921
Stevens R. Baker	1921-1933
Clyde H. Thompson	1933-1938
Frank A. Ortman	1938-1939
Roy Sesler	1939-1951
Hubert Edwards	1951-1959
R. B. Phillips	1960-1970
Stephen Adsit	1970-1973
William T. Caisley	1973-

The following is a list of the lawyers residing in Livingston County and currently in practice:

David G. Ahlemeyer, Alonzo W. Clay, Richard E. DeMoss, Wilton E. Erlenborn (Judge), Thomas W. Ewing, A. H. Fellheimer, Ronald K. Fellheimer, Harold J. Frobish, Charles E. Glennon (Judge), Roger B. Gomien, James J. Herr, Jesse J. Herr, Kenneth Johnson, Taylor Johnson, Rodney Loy, Henry W. Phillips, Darrell H. Reno (Judge), John G. Satter Jr., Sidney E. Smith, Walter L. Stodd, Faraday J. Strock, Kenneth L. Strong, John A. Taylor, Harvey S. Traub, Walwyn M. Trezise, C. David Vogel, R. B. Phillips (Judge), R. D. Thompson, John R. Vicars, Neale Hanley, Ronald Hanley, Theodore W. Hinds, Percy James, John Beyer, Robert R. Caughey, William Fitzpatrick, Ronald V. Hirst, Thomas Kelleher, Gordon M. Kinate, Curtis W. Myers, Robert B. O'Dell, Frederick E. Strufe, Edward J. Legner, Irwin Kass, Gary Neville, and Irvin Masching.



# MACOUPIN COUNTY BAR

JOHN M. PALMER, A UNION GENERAL  
AND LATER THE GOVERNOR OF ILLINOIS,  
WAS A MEMBER OF THE MACOUPIN BAR

By LUCILE J. MURPHY, J. E. WENZEL, And JOHN MADDEN\*



**HISTORY** of the Macoupin County Bar is impossible to write without reviewing some history of Macoupin County.

Macoupin County was created in January, 1829, by the State Legislature.

The first judge of this Circuit was Samuel D. Lockwood of the Supreme Bench. Until 1835 the judges of the Supreme Court were required to perform circuit duty. At that time a law was passed severing the duties of supreme and circuit judges.

The first courthouse was built of logs in 1830. It was ordered constructed by the County Court which assembled at the log home of Ezekiel Good, an early settler. The specifications were that it was to be built of hewn logs, 18 x 24 feet. For ten years this crude log house served as the frontier seat of justice and answered all of the requirements of that early period. Finally it became too small for the growing needs of the time, and at a special term of court held in 1836, plans were outlined for the erection of a more modern building. Plans were adopted for a two-story structure to cost \$15,000. It was to be of brick and was 50 x 50 feet. Back in the early fifties, Abraham Lincoln, then a struggling young lawyer, tried a chancery case in this courthouse.

In an early period, Abraham Lincoln and Stephen A. Douglas, both destined to be life-long political opponents, and to achieve great and enduring fame, came here a few times in the practice of the law. Douglas

at one time was State's Attorney of the district. There were records in Lincoln's own handwriting on file in the office of the Circuit Clerk for many years but unfortunately they cannot be located at this time.

A history of the Macoupin County Bar would be incomplete without mention of the famous "Million Dollar Court House", still in use today. The cornerstone was laid under much controversy in 1867, and although the building was completed in February of 1870, the controversies, legal ac-

tions and political disputes over the same continued for 40 years when on July 21, 1910, Governor Charles S. Deneen presided at a celebration burning the last bond.

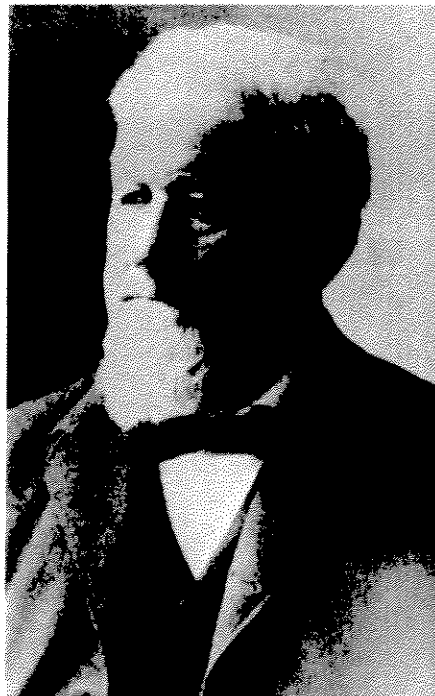
It is believed that Macoupin County has the oldest law firm in the State of Illinois, which has existed and continued on one site since the time of its founding in 1839 by John M. Palmer, who served as a General in the Union Army in the Civil War and later became Governor of Illinois. General John I. Rinaker, Thomas Rinaker, T. K. (Kelly) Rinaker, S. O. Smith Jr., our recently deceased Appellate Judge, M. E. Hebron, W. W. Denby, and Diane L. Brunton have all been associated with this office.

The following Macoupin County men have served on the circuit bench since the new court house was built:

Judge W. R. Welch, Judge Robert B. Shirley, Judge Frank W. Burton, Judge Victor Hemphill, Judge L. E. Wilhite, Judge S. O. Smith Jr., Judge Paul Verticchio, Judge Frances J. Bergen, Judge Robert B. McKeachan, Associate Judge Dennis Schwartz, and Judge Joseph P. Koval.

Judges who have served on the county bench, beginning with 1849, are as follows:

John M. Palmer, James Breden, G. W. A. Cloud, William Weer, Samuel S. Gilbert, George Judd, Thaddeus L. Loomis, Thomas B. Rice, John Yowell, Isham J. Peebles, P. C. Huggins, A. A. Atkins, Martin Olmstead, L. P.



General John M. Palmer, a Macoupin County lawyer, served in the Civil War and became Governor of Illinois in 1869.

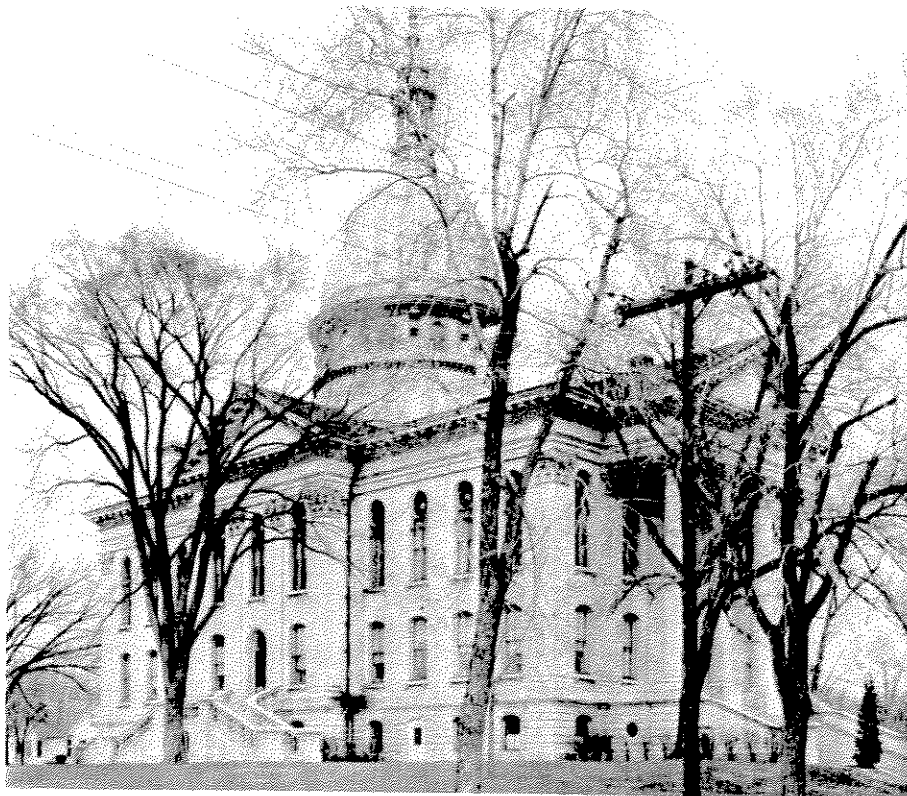
\* Members of Macoupin County Bar Association.

Peebles, A. N. Yancey, David E. Keefe, J. B. Vaughn, Balfour Cowan, Herbert Cowan, Andrew J. Duggan, Truman A. Snell, Frank G. Wood, A. A. Isaacs, E. D. George, W. P. Cuthbertson, and Frances J. Bergen (who served as County Judge until the office was abolished).

Records of the Bar Association itself are incomplete until its official affiliation with the Illinois State Bar Association in 1919, at which time Truman A. Snell was President and Victor Hemphill was Secretary. Since its inception, the Macoupin County Bar Association has been served by many fine and distinguished attorneys and jurists, among those now departed and not previously mentioned in this article were: C. A. Walker, Alexander Hamilton Bell, John Moran, Edward C. Knotts, Jesse Peebles, James H. Murphy, L. M. Harlan, John Madden, Michael F. Seyfrit, Paul Luker, Alvin G. Whitehouse, Harry Willoughby, Elmer Droste, and Willard V. Kelsey.

At the present time, there are 31 attorneys in the Macoupin County Bar Association, including two practicing women attorneys, namely, Lucile J. Murphy and Diane L. Brunton (one of the present Assistant State's Attorneys). Another Macoupin County woman, Denise M. Paul, younger sister of Diane L. Brunton and graduate of the charter class of Southern Illinois University College of Law in 1976, is presently one of the Assistant State's Attorneys in Montgomery County, and also works part time in the law office of attorney Ralph Vandever at Hillsboro.

The present officers of the Macoupin County Bar Association are: Thomas P. Carmody, President and Diane L. Brunton, Secretary-Treasurer.



Macoupin County's famous "Million Dollar" courthouse which was built more than 100 years ago and which is still in use.



Samuel O. Smith, Virden, one of the first elected justices of the Fourth District Appellate Court under the 1964 Judicial Article, now deceased.



Governor Charles S. Deneen presided at a ceremony July 21, 1910 to burn the bonds used to finance construction of the Macoupin County Courthouse.

# MASON COUNTY BAR

SCOTT LUCAS, SENATE MAJORITY LEADER  
UNDER TRUMAN, WAS MEMBER  
OF BAR OF MASON COUNTY

By JOHN W. ERMELING\*



MASON County was created January 20, 1841, by act of the legislature out of parts of Menard and Tazewell Counties. Section Two of the act provided that "All Justices of the Peace and Constables heretofore duly elected and qualified in and for the Counties of Menard and Tazewell, and who now reside within the aforesaid boundaries of the County of Mason, shall hold their offices in and for the said County of Mason, the same as if no division had taken place."

We do not know the names of all the early judges and lawyers who practiced before the organization of the county but in General Ruggles' history several illustrious Justices of the Peace from the Havana area are mentioned.

"The first Justices of the Peace of whom we have any account were Eli Fisk and A. W. Kemp. They were commissioned as such before the organization of the County. Daniel Adams and Isaac Parkhurst were also early Justices of the Peace in Havana Precinct. Such a formidable array of legal luminaries is probably due to the fact that Havana, in an early day, was surrounded by some rather hard characters. Fulton County, we are told, used to come over in force, and, in lieu of the handy revolver of the present day, would bring billets of cordwood with which to pelt their foes. Then, too, the natives from Salt Creek timber and the Sangamon bottoms would pay an occasional visit to Havana, always making matters lively while they remained. It is, however, due to the honor and credit of Havana to state that these turbulent spirits were usually from

abroad, and that Havana's own citizens were of a most honorable and law-abiding character, traits that have come down and are deeply seated in the present generation."

The early settlers must have been a hardy lot to have braved the assaults of their neighbors, as well as the other dangers of frontier life. At this early date the enforcement of the law would have been in the hands of the local Justices of the Peace and town Constables who must have had their work cut out for them. General Ruggles has the following to say about those early times:

"For many years the region of country within the forks of the Illinois and Sangamon Rivers was looked upon by the surrounding inhabitants in other counties as a sandy, barren waste, fit only for the abode of hunters, fishermen, and such people as cared not for mosquitoes, fleas, and other varmints and who were not afraid of the ague and other malarial diseases that then prevailed most plenteously, and so the county was avoided by what was considered the better class of people. These prejudices kept back the settlement of the county until the year 1827."

In the early days much of what is now Mason County was swamp land, and similar conditions prevailed in the Illinois and Sangamon River bottoms to the West and South of the county. The problems which the settlers had in draining and bringing these lands into production called for expert legal talent. There have been over the years several attorneys who practiced in the courts of Mason County with statewide reputations in this branch of the profession. Lyman Lacey Jr. of Havana and Glenn Rat-

cliff of Lewistown, now both deceased, are remembered by many for their efforts in this field.

The first settler to enter land in what was later to become Mason County was Ossian M. Ross who was at the time an inhabitant of Lewistown and one of its proprietors. This tract of land was entered October 17, 1827 and is where the city of Havana now stands. The city was laid out for Mr. Ross by Stephen Dewey on November 12, 1827; however, the plat was not recorded until June 2, 1835.

Mr. Ross built the first hotel in Mason County between the years 1829-1833. In this building, which was the largest hotel in the state when it was completed, the first term of the Circuit Court was held. The date of the first session was November 12, 1841 with Judge Samuel H. Treat presiding.

From its founding in 1841 until 1862 Mason County was governed by the County Commission form of government with legislative power in the County Commissioners Court. Since 1862 the county has been administered by the Township form of government.

Not much is recorded concerning the local attorneys of this period nor of those who rode the circuit with the court. A monument in the Courthouse Square in Havana attests to the fact that Abraham Lincoln practiced law in Mason County as he rode the 8th Circuit, 1847-1857.

\* Of Havana, member of Mason County Bar Association.



We may assume that there were few practitioners with formal education in those days. Their training came from reading law and from the school of experience. As will be seen from the following brief sketches of several local attorneys these men were ambitious, versatile, and public spirited.

The subject of the first biographical sketch is Judge Joseph A. Phelps. At the time this brief biography was written in 1874, Judge Phelps was a Justice of the Peace and Notary Public in the City of Mason City in Mason County.

Like most of the early settlers Mr. Phelps was not an Illinois citizen by birth. He was born on a farm in Logan County, Kentucky in February 1807 and was thus two years the elder of that other famous Kentuckian, Abraham Lincoln. Both of his parents were of pioneer Kentucky families and farmers.

As a young man he lived on his parents' farm. Being an ambitious young man, he learned the trade of

a bricklayer although he did not work much at it in later years.

At the age of 25 he married and with his wife moved from Kentucky to Morgan County, Illinois. During his time in Morgan County he worked at ordinary farm labor for the most part; however, he did teach one term of school.

In the fall of 1840, he crossed the Sangamon River into Menard County and when Mason County was set off, April 5, 1841, young Phelps, who had by that time become acquainted and a favorite with the settlers, presented himself as a candidate for County Clerk and was elected. At the time there was a great dispute concerning the location of the seat of county government. Phelps supported the claims of Bath while the other party supported Havana.

By the time the September term of the County Commissioners Court, the dispute between the two parties had become so heated that while the three Commissioners of the Bath party and Clerk Phelps were meeting, the two other Commissioners of the Havana party held their separate meeting. The meeting of the Havana Court purported to remove Phelps from office "for neglect of duty and for non-compliance" and appointed another County Clerk. At the next election held in 1842, Judge Phelps was vindicated by the electorate when he was elected to a full 5 year term as County Clerk.

Judge Phelps was appointed in 1841 by Judge Treat as the first Circuit Clerk of Mason County, and he served as such from that year until 1845. He thus had the distinction not only of being the first County Clerk of Mason County, but also its first Circuit Clerk and served in those offices simultaneously for four years.

In 1843 by vote of the people, the County Seat was moved from Havana to Bath where it remained until 1851. This move was also a victory for Judge Phelps who was a strong supporter of the Bath party.



Scott W. Lucas, a Havana attorney who served two terms in Congress and two terms as U.S. Senator and who became Majority Leader of the Senate during the Truman administration.

In 1861 he was elected to the office of County Judge. He served in this office during the war and in 1865 retired to his farm in Salt Creek Township. He did not retire, however, from politics since he served two terms as Township Supervisor for Salt Creek.

In 1869 he moved to Mason City where in addition to his duties as Justice of the Peace, "he has a large amount of collecting and conveyancing to do".

George H. Campbell was born July 19, 1820 in Nashville, Tennessee. In 1838 at the age of 17 he came to Illinois "to superintend the fencing and cultivation of lands that his father had entered between the Sangamon and Illinois Rivers in what was then Sangamon County." He was joined by his father in 1840.

At the age of 21 in 1844, he was elected Mason County Assessor and Treasurer. He was the third holder of this important office.

Still wishing to improve himself he began "a course of legal study" and at the age of 23 was admitted to the practice of law.



Lyman Lacey Sr., Havana, served as a Circuit Judge for several years before his appointment as an appellate justice in 1877 when the Illinois Appellate Courts were created.

## MASON (cont.)

After practicing for several years as a sole practitioner, he formed a law partnership in 1857 with C. J. Dillworth in Havana. In the same year he was elected County Judge of Mason County.

He did not, however, long remain in the Office of County Judge, for in the fall of the same year he was elected to the State Legislature to represent Mason and Logan Counties. He was a close friend of Stephen Douglas, both being Democrats.

After his election to the Legislature, he moved to Lincoln in Logan County. In 1860 he ran unsuccessfully as a Democrat for Secretary of State of Illinois.

In 1860 he helped organize the 106th Regiment from Logan County and was made its Lieutenant Colonel. He served the regiment for one year before ill health forced his resignation.

He then returned to Lincoln where he helped found Lincoln University. He was first president of the board of trustees of the school.

In 1868 he returned to Mason County settling in Mason City where he first engaged in a general mercantile business. Then in 1870 he organized the First National Bank of Mason City. He served as first president of this institution.

Mr. Campbell's son, Washington Hilleary Campbell, followed his father in the practice of law. The younger Mr. Campbell, however, instead of pursuing "a course of legal study" took his undergraduate work at the school his father had founded, Lincoln University.

After his graduation from the University of Michigan Law School he practiced law in Havana being associated with Luther Dearborn in the firm of Dearborn and Campbell. He also served a term as Mayor of the City of Havana.

The distinguished attorney and

jurist Lyman Lacey Sr. was born May 9, 1832 in Dryden, Tompkins County, New York, the son of John and Chloe Hurd Lacey.

In 1837 the Laceys moved to Illinois and settled in Fulton County. Mr. Lacey was an ambitious young man and a great believer in education. As a young man working on his father's farm, he circulated petitions in the neighborhood to persuade the people to hire a teacher for the winter months.

He worked on the farm until he was 20 when he entered Illinois College, Jacksonville, Illinois. He graduated with the class of 1855 with a B.S. degree, and he later earned a M.A. degree.

After graduating from Illinois College he "read law" in the office of Lewis W. Ross, the son of Havana's founder, in Lewistown. He was admitted to the bar in 1856 and came to Havana that fall.

Mr. Lacey participated in three law partnerships prior to his election as a Circuit Judge. His first partner was William Walker. This partner-

ship was dissolved within two years. In 1865 he formed an association with Charles A. Harnden. This partnership was dissolved three years later due to Mr. Harnden's death. His third partner was E. A. Wallace. Their partnership continued until 1873 when Mr. Lacey was first elected a Circuit Judge.

He was re-elected successively to four terms of six years each as Circuit Judge. In addition, in 1877 he was appointed an Appellate Judge for the 3rd District when it was first established. Then in 1879 he was appointed Appellate Judge of the 2nd District. He served for over 20 years as an Appellate Judge.

In addition to his judicial duties he also served in the Illinois State Legislature as a Democrat from Mason and Menard Counties, being first elected in 1862.

He had a practical knowledge of agriculture and was appointed by the Supervisors of Mason County as County Drainage Commissioner. Under his direction over forty miles of ditches and drains for the drainage of the wet lands were constructed.

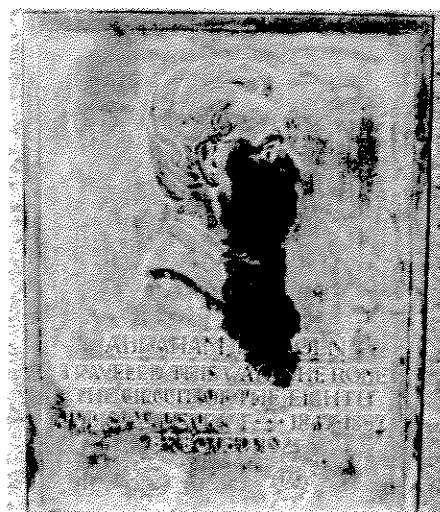
He also was an early promoter of the railroads and helped as a fund raiser for the lines which passed through Havana. He also served on several of their boards.

As an attorney he had the largest clientage of any attorney in the county. During many sessions of the court he had more cases on the docket than all the other attorneys combined.

His son, Lyman Lacey Jr., followed him in the practice of law in Mason County.

The foregoing short biographies we hope are representative of the legal community in Mason County in the early days.

There follows a list compiled in 1874 of attorneys and judges who were residents in Mason County at that time and were subscribers to the County Atlas and History then published.



A plaque at Havana recalls that Lincoln practiced in that county. Mason County was one of 14 counties in the old Eighth Judicial Circuit from 1847 to 1857 which Lincoln and David Davis and many other well-known lawyers traveled during their circuit-riding days.

## HAVANA

Name	Residence	Occupation	Nativity	Came to Co.
W. H. Campbell	Havana	Attorney	Mason Co.	1870
S. C. Conwell	Havana	Attorney	Delaware	1840
Ralph Cochrane	Havana	Attorney	Ohio	1856
Luther Dearborn	Havana	Attorney	New Hampshire	1844
Hugh Fullerton	Havana	City Mayor & Attorney		1852
E. C. Fisk	Sec. 3	Farmer & Attorney	Ohio	1835
J. S. Kirk	Havana	Police Magistrate	Ohio	1866
Lyman Lacey	Havana	Circuit Judge	New York	1856
T. A. Mallory	Havana	County Judge	Kentucky	1858
O. H. Wright	Havana	Attorney	New York	1849
H. A. Wright	Havana	Attorney	New York	1847
E. A. Wallace	Havana	Attorney	New Hampshire	1867

## MASON CITY

Name	Residence	Occupation	Nativity	Came to Co.
I. R. Brown	Mason City	Attorney	New Jersey	1867
Jacob Benscoter	Mason City	Police Magistrate & J.P.	Pennsylvania	1854
J. A. Phelps	Mason City	Attorney, N.P. & Gen. Coll.	Kentucky	1840

The numbers of attorneys in Mason County have not increased greatly, if any, it would seem in 100 years. This may not seem so remarkable to the reader when he realizes that the population of the county today is approximately what it was in 1874.

The great decline in the number of judges would be due to the abolition of the offices of Justice of the Peace, Police Magistrate and County Judge.

There follows a list of Mason County District and County State's Attorneys and County Judges for Mason County giving their terms of office.

### STATE'S ATTORNEYS

Robert S. Blackwell	1849-1853
John S. Bailey	1853-1857
Hugh Fullerton	1857-1865
C. A. Roberts	1865-1869
Charles Whitney	1869-1872
William H. Rogers	1872-1876
Thomas J. Mehan	1876-1884
J. W. Pittman	1884-1892
Edgar P. Wright	1892-1900
Guy R. Williams	1900-1906
(Resigned)	
E. P. Nischwitz	1906-1908
(Filled vacancy)	
E. P. Nischwitz	1908-1920
Scott W. Lucas	1920-1924
W. E. Stone	1924-1926
E. P. Nischwitz	1926-1928
(Filled vacancy)	
J. E. Barnes	1928-1932
Russell E. Townsend	1932-1936
Lyle Wheeler	1936-1952
Carroll P. Wintersteen	1952-1956
Guy R. Williams	1956-1964

Don P. Boggs	1964-1968
William Knuppel	1968-1976

### COUNTY JUDGES

Smith Turner	1849-1853
N. J. Rockwell	1853-1857
George H. Campbell	1857-1858
Robert McReynolds	1858-1861
Joseph A. Phelps	1861-1862
Joseph A. Phelps	1862-1865
Matthew Langston	1865-1869
Henry Warner	1869-1873
John A. Mallory	1873-1882
H. C. Burnham	1882-1890
Thomas N. Mehan	1890-1898
James A. McComas	1898-1918
John Greenway	1918-1930
Maurice E. Barnes	1930-1942
William M. Coppel	1942-1964

The attorneys and judges have, of course, always depended upon the assistance of the clerks, sheriffs, and their deputies for administration of the legal system. At times in the past it would seem some interesting characters were elevated to positions for which they were but ill-prepared.

The first sheriff of Mason County was Francis Low, an educated and distinguished gentleman. The second sheriff of the county was in sharp contrast to Mr. Low. General Ruggles in his history of the county has the following to relate about Isaac H. Hodge, second sheriff of Mason County.

"'Hall Hodge,' as he was called, was the second Sheriff of the county, and in strange contrast with his predecessor

in all respects. He was a diminutive, ill-favored, illiterate man, lively and chatty with everybody, using an abundance of all sorts of words, of the meaning of which he was entirely ignorant. He was a kind-hearted man, that had no guile in him (but generally plenty of whisky, which suggested the calling of him the high-Sheriff), and was a great favorite of the people in those days. His reading of a summons or court paper sounded like a chapter from 'Nasby' or the 'Innocents Abroad.' The law term 'versus,' which usually occurred in the summons, he invariably called 'vestigated,' and at the wind up of reading a legal paper, he always added, with a grand flourish, 'thus and so—the measures!' In calling court, he would yell out, in his tenor voice, 'Oh, yes! Oh, yes! the court has met, subject to adjournment!' At one time, he was directed by the court to call the names of parties on a criminal bond, and declare a forfeiture, on account of the absence of the criminal, in accordance with the formula of those days, which was long and precise. The Sheriff was very much excited and nonplused, knowing it impossible for him to repeat so many words correctly. In confusion and despair, he rushed to the window, thrust his head through the crashing glass, and called the names of the parties he could remember, and then mumbled and jumbled a lot of stuff that sounded like the clatter of 'four and twenty blackbirds,' winding up with the words, 'You will come into court, or everything will be lost!' The Judge laughed, the bar roared, and the people were delighted to see that they had a Sheriff equal to any emergency."

With Sheriff Hodge to entertain them, it is difficult to see how the Judge, Jury, and Attorneys could keep their minds on the business at hand.

As stated previously, the County Seat was moved back to Havana in 1851 by vote of the people. In that year the Courthouse was built in the public square. This building fell into despair and was described thusly in General Ruggles history. "Although Havana, as the capital of the County is a settled point, it is an established fact that its Courthouse is a rather dilapidated old rookery. The dingy building is bronzed with age and 'tottering to decay', and, as seen from

## MASON (cont.)

the street, its 'gloomy and frowning walls' have more the resemblance of a prison than a Courthouse." Repairs to the building were made unnecessary by events, however, since this building was destroyed by fire in 1882. It was rebuilt according to the original plans in the same year by the company which had insured it. Due to the expansion of the county records a second building of fireproof construction was built to contain them in 1887. The two buildings were joined in 1959 when the Courthouse was remodeled and enlarged.

Mason County has produced many illustrious and distinguished attorneys who have served the people well in their respective generations and none more so than Scott W. Lucas.

Scott Wyke Lucas was born February 19, 1892 on a farm seven miles East of Chandlerville, the youngest son of William D. and Sarah Underbrink Lucas. He attended the public schools of Cass and Mason Counties, graduating from high school at Virginia, Illinois. After his graduation he taught school in Mason County and played professional baseball in order to earn money to further his education. His college education was received at Illinois Wesleyan University, Bloomington, Illinois from which he graduated in 1914. The next year he was admitted to the bar and began practice in Havana.

At the entry of the United States into World War I Scott Lucas entered the army as a private. By the time the war concluded he had risen to the rank of Lieutenant.

After his return to Mason County he was elected States' Attorney by the people in 1920. Three years later Scott Lucas married Edith Biggs of Havana. Their only child, Scott W. Lucas Jr. now resides in Springfield.

In 1926 Mr. Lucas was elected

Commander of the American Legion, Department of Illinois, and the next year at the Paris Convention he was unanimously selected as National Judge Advocate of the Legion. He served four terms in this office.

He gave further service to his country by serving in the Officers Reserve Corps from the close of the war until 1934 when he was appointed Judge Advocate General of the Illinois National Guard with the rank of colonel.

His career in national politics began in 1934 when he was elected as a Democrat to Congress from the 20th District of Illinois. He was re-elected from this district in 1936.

In 1938 he made a successful attempt for one of the U.S. Senate seats from Illinois. He was successful and was again elected to the U.S. Senate in the election of 1944. He was an outstanding Senator and served on many important committees. In 1949 he was elected Majority Leader of the Senate during the Truman administration. Despite his hard work for the people of Illinois and the nation, he was defeated in 1950 for a third term.



John Knuppel, formerly a member of the Mason County Bar and now a member of the Cass County Bar, is a state senator and also was a delegate to the 1970 Constitutional Convention.

He had law offices in Havana, Springfield, and Chicago for many years. In 1951 Senator Lucas opened a law office in Washington, D.C. and was actively engaged in the practice of law at the time of his death, which occurred at Rocky Mount, North Carolina, on February 22, 1968.

Senator Lucas is not the only distinguished member of the Mason County Bar Association to hold high office in recent times.

Edward F. Cullinane of Havana was appointed Clerk of the Illinois Supreme Court May 11, 1940. Mr. Cullinane was appointed to fill out the unexpired term of Adam F. Block who died in office. He served until November 6, 1944.

John Linebaugh Knuppel, the present State Senator for the 48th District, is a native of Mason County and a member of the Mason County Bar Association, although he now makes his home in Virginia, Cass County. Senator Knuppel was also a delegate to the convention which drew up the present Illinois Constitution.

The following is a list of the current membership of the Association.

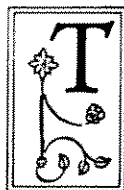
Guy R. Williams, Circuit Judge  
David F. Alexander, Attorney  
Eldon H. Becker, Attorney  
Don Paul Boggs, Attorney  
Edward F. Cullinane, Attorney  
Clyde L. Eaton, Attorney  
Keith E. Emmons, Attorney  
John W. Ermeling, Assistant Trust Officer  
John L. Knuppel, State Senator and Attorney  
William H. Knuppel, State's Attorney and Attorney  
Edward A. Krebaum, Attorney  
Kenneth H. Lemmer, Attorney  
Robert McNeil, Attorney  
Forster I. Mitchell, Attorney  
James L. Perbix, Attorney  
Howard S. White, Attorney  
Paul Youle, Attorney



# McDONOUGH COUNTY BAR

A LEGEND IN HIS TIME,  
LAWRENCE Y. SHERMAN WAS A MEMBER  
OF THE McDONOUGH COUNTY BAR

By KEITH F. SCOTT\*



THE year 1877. McDonough County — the McDonough County Bar — 100 years ago. What was it like at that time?

The 1870 Constitution was a recent milestone. Three years later in 1873 the Illinois legislature had created 26 Judicial Circuits. McDonough, along with Fulton, Schuyler, Brown, and Pike, was in the 11th Circuit. Previously Schuyler, Brown, Pike, McDonough, Cass, and Mason had comprised the 5th Circuit. Twenty years later in 1893 the number of circuits was reduced to 17 and Fulton, Hancock, Henderson, Knox, McDonough, and Warren became the 9th Circuit and so remains to this day.

There were seven Justices on the State Supreme Court. The 1848 Constitution provided for nine circuits — with one judge in each — and for a Supreme Court with only three Justices. The 1870 Constitution increased the number of Supreme Court Justices to seven, authorized the legislature to establish judicial circuits, and to provide for a maximum of four judges in each circuit. Before the turn of the century there were three judges in each circuit.

The advent of the railroads in the 1850's had sparked an increase in the population in McDonough County from around 8,000 to over 26,000 in 1876, making McDonough one of the more populous counties in the state. The population was to remain fairly constant for the next 75 years, then to increase to approximately 37,000 after World War II.

The Courthouse, standing in the center of the Macomb public square, completed only five years earlier (1872) at a cost of over \$155,000, dominated the landscape. Most of the bricks used in its construction had come from the Chase Brickyard 1½ miles west of Macomb. (100 years later that Grant Gothic structure is still standing — its red brick exterior obscured by nondescript paint and the majestic mansard roof replaced by a conventional one — and houses, somewhat incongruously, a recently completed ultra-modern courtroom equipped with sophisticated audio-visual and television systems; and may, if present plans come to fruition, look forward to extensive renovation and restoration — and another century of usefulness.)

The county jail, one block west of the new courthouse, had just been constructed. It also was an imposing building — 2½ stories high — red brick — with living accommodations for the sheriff. (The building continued its usefulness until 1964 when it was razed and replaced by a thoroughly modern facility.)

The year 1877. These were poor times economically; but McDonough County and its citizens, then as now, predominantly agricultural, hardy and industrious, were entering a century of progress and growth, slowed, if at all, only by the depressions of post World War I and the early 1930's.

As to the Bar, The McDonough County History of 1885 reports there were then 23 lawyers in the County of approximately 26,000 people; 15

in Macomb, 6 in Bushnell, and 2 in Blandinsville. Fifty years later there were 19, 1 in Bushnell and 18 in Macomb. The population had increased only slightly. In 1977 — with more than 37,000 inhabitants, there are 27 lawyers in the county — this figure including two sitting judges, the State's Attorney, Assistant State's Attorney, and the public defender, none of whom is engaged in private practice. The City Directory of Macomb in 1893 lists 15 law firms with a total of 22 lawyers. (In light of the recent concern in both the ABA and ISBA about advertising, it is interesting to note that 5 of the 15 Macomb law firms carried paid advertising in that 1893 Directory. And the 1902 Macomb Directory contains several "professional" announcements — or cards in the nature of advertising — not objectionable or flamboyant — but no doubt proscribed by the Resolution of the ABA in 1908.)

In preparing this narrative concerning the achievements and contributions of the members of the McDonough County Bar, some selective judgments are necessary. Priority must be given to matters and personalities of general interest — which emerge as meaningful in the history of our county — or which, otherwise, are unusual or noteworthy. As a consequence, many interesting episodes, cases, and anecdotes have been omitted. And no mention is made of many capable and stalwart lawyers

\* Of Macomb, retired circuit judge of 9th Circuit.

## MC DONOUGH (cont.)

who exemplify the generally high reputation over the years of the McDonough County Bar. We can only hope that what is here presented fairly portrays the sturdy character of McDonough County lawyers in the past century — and their place in the history of our county.

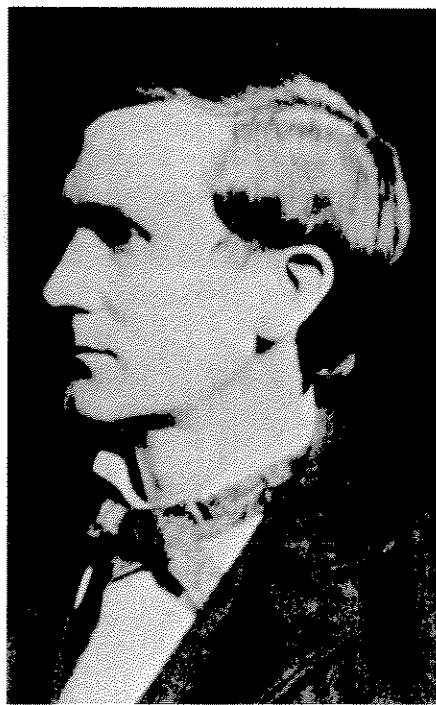
Early McDonough County had representation through the Bar in the State Legislature and in Congress in the person of William H. Neece. He was elected State Representative in 1864 and 1870, State Senator in 1878, and as a Representative in Congress in 1882 where he served several terms. Interestingly, before reading law in the office of John S. Bailey, a Circuit Judge in Macomb, he had, in the three years following his 19th birthday, farmed, worked as a wood chopper, broken prairie soil, packed pork, and taught school. During the next three years he crossed the plains with his family, by oxen, to Oregon, went to California where he failed as a miner, became a cook in Sacramento, then tried mining again in Nevada before returning to McDonough County. He read law for two or three years, was admitted to the Bar in 1858, and thereafter maintained an office in Macomb. His pre-legal education was varied and arduous even for those days. But it was apparently complete and effective.

Neece's mentor, Judge Bailey, has the distinction of being the sole delegate from McDonough County to attend the organizational meeting of the Illinois State Bar Association on Jan. 4, 1877. He thus was one of 88 charter members of the ISBA.

At about this time — 1882 — there came to Macomb to practice law Lawrence Y. (L. Y.) Sherman — an individual whose career in law and politics was to have a profound effect on the economic and social fabric of Macomb in the 20th Century. Sher-

man graduated from the Law "Department" of McKendree College (at Lebanon) in 1882 and came directly to Macomb to practice, becoming a partner in the firm of Vose and Sherman. (He had lived in this county in early childhood.)

Sherman's early career was characterized by tireless energy and consistent habits of study and industry. These attributes, together with his integrity and frugality, no doubt contributed greatly to (and were responsible for) his later success. Typically, when he ran for County Judge (and was elected) in 1886, he canvassed the entire county on a bicycle. From 1897 to 1905 he represented the County in the Illinois Legislature, serving as Speaker of the House from 1899 to 1903. He was Lieutenant Governor of the state from 1905 to 1912. And from 1912 to 1920 he was



L. Y. Sherman, a native of McDonough County, gained national renown as a U.S. Senator during his terms from 1912 to 1920. Prior to that he had served as a county judge, a state legislator, Speaker of the Illinois House, and Lieutenant Governor of Illinois.

the U.S. Senator from Illinois in Washington.

In the 1916 preferential primary he was the Republican party's "favorite son" candidate for President. And he left his mark on the lawyers of the community: During the late 1880's and early 1900's he virtually conducted a one-man law class. Later lawyers then "reading" law in Sherman's office included: William A. Compton, Tom McClure, Duncan Wooten, Will Tunncliff, Don Pennywit, Richard Breeden and Nelson Turr. He was a good teacher.

It was L. Y. Sherman, who, while serving as Speaker of the House, introduced the Enabling Act, passed in 1899, which made Western Illinois University possible. It was not until August 14, 1900, that the Trustees chose Macomb as the site for Western Illinois State Normal School, now Western University. The account of the founding of Western detailed in "The Purple and the Gold" — Victor Hicken, The Western Illinois University Foundation 1970, clearly shows that without the persistence and political acumen of Sherman, augmented by the esteem accorded him by his colleagues, the establishment of the Normal School in Macomb would not have become a reality.

A partner of L. Y. Sherman in the early 1890's was Damon G. Tunncliff, a very capable man, who served on the Illinois Supreme Court for a short time in 1885 by appointment of Governor Oglesby. Interestingly, the appointment was made to fill a vacancy created by the death of Pinkney Walker, a Supreme Court Justice from 1858 to 1885, who had lived and practiced law in McDonough County from 1838 to 1848 after reading law under the tutelage of his uncle Cyrus Walker — one of the first lawyers in the county. Cyrus Walker (whose life and activities antedate the period of this article) was the great uncle of Wallace A. Walker (1879-1964), a native of McDonough County, who



practiced in Macomb from 1907 until shortly prior to his death. He served two terms as State's Attorney (1928-1932 and 1936-1940) and three terms as County Judge (1942-1954).

Later representation of the County by members of the Bar would include William A. Compton, Senator in the Illinois Legislature from 1912 to 1916, and Charles E. Flack, State Representative from 1920 to 1924. T. Mac Downing, who practiced in Macomb continuously from 1915 until his retirement in 1969, was the State Representative from McDonough County from 1934 to 1936 and was State Senator for seven terms, from 1936 to 1964. He was the Chairman of the Appropriations and Judiciary Committees for several years and received many honors, including Distinguished Service Awards from the Illinois State Bar and Chicago Bar Associations in recognition of his work in the Legislature. In 1972 he received an Honorary LL.D. degree from Western Illinois University. His 30 years in the Illinois Legislature were marked by service to his constituency and the State of Illinois and were a credit and honor to his profession.

The McDonough County Bar has had one legal author in the person of Earle D. Grigsby (1886 to 1966) who authored "Illinois Real Property" published by Burdette Smith Co., 1948. Mr. Grigsby, a member of the firm of Gumbart & Grigsby, practiced in Macomb after his admission to the Bar in 1911 until 1954 when he was elected to and served one term as County Judge after which he retired.

Three generations of lawyers are represented in two firms in Macomb today: Flack & Kwacala and Harris & Harris. As to the former, Charles W. Flack (1865-1950) studied law in the office of Bailey & Holly after teaching school and was admitted in 1893. He opened an office in Macomb and was joined by his son, Charles E. Flack, and George B. Kerman in 1915 and 1916 and the firm became Flack,

# ILLINOIS REAL PROPERTY

## LAW AND PRACTICE

With Forms

An Encyclopedic Treatment of the Entire  
Body of the Case and Statute  
Law of Illinois Relating  
to Real Property

By

E. D. GRIGSBY  
of the McDonough County Bar

Volume I

Sections 1-629

Earle D. Grigsby, a member of the McDonough County Bar, was the author of the 7-volume work, "Illinois Real Property," published in 1948.

Flack & Kerman. He retired in 1950 and the firm continued until the retirement of Mr. Kerman in the late fifties. Charles H. Flack, grandson of Charles W. and son of Charles E., joined the firm in 1954 upon his admission to the Bar, and continued in individual practice after the death of his father in 1960. For a few years (1963-1972) Thomas W. Dye was in the firm (then Flack & Dye) and the practice is now carried on as a partnership — Flack & Kwacala.

As to the Harris firm, the progenitor here was Hiram H. Harris (1862-1923) who studied law in the law office of Prentiss & Bailey and read law with L. Y. Sherman. Upon being admitted to the Bar he opened his office in Macomb in 1889. His son, William R. Harris, became associated with him in 1919. Edwin L. Harris, his second son, joined the firm in 1928. In 1953 W. Kenner Harris, grandson of Hiram and son of William R., joined the brothers, and the three are now practicing as the firm of Harris & Harris. William R. served as State's Attorney, for two terms — 1924 to 1928 and 1932 to 1936. For

over 22 years, until the early seventies, Edwin L. was Macomb City Attorney, and W. Kenner has been Colchester City Attorney since 1960.

As noted earlier, McDonough, Warren, Hancock, Henderson, Knox, and Fulton counties were first brought together as the 9th Circuit in 1893. Shortly thereafter the legislature provided for three judges to be elected from each circuit. Harry M. Waggoner, first elected circuit judge from Fulton County in 1908, moved to Macomb the following year and served three terms to 1920. George C. Hillyer, after serving a term as State's Attorney in Warren County in the early 1900's, decided to seek his fortune in the West and stopped in Bushnell to visit Rufus E. Lybarger who had opened a law office in Bushnell a few years before in 1908. Hillyer, upon Lybarger's invitation, decided to remain in Bushnell and practice law with his friend. In 1920 he was elected Circuit Judge and served three terms until 1938.

Keith F. Scott, Macomb, first elected Circuit Judge in 1959, was re-elected twice and served until his retirement in 1975. He had formerly served two terms as State's Attorney and over ten years as Master in Chancery. The Constitution of 1970, effective July 1971, provided for a circuit judge from each County in addition to the three "at large" judges. William L. Randolph, Macomb, completed Scott's term as an "at large" circuit judge and was elected to a full term in November, 1976. U. S. Collins is currently resident circuit judge.

The firm of Bailey & Holly was mentioned earlier. This partnership of two native sons of McDonough County was dissolved in the late 1890's or early 1900's. They had enjoyed a good reputation and were successful in their practice. Jacob L. Bailey, not the former Judge of the 5th Circuit, was short and stockily built along the lines of Stephen A. Douglas. Tradition has it that he

## MC DONOUGH (cont.)

"had a voice like a fog horn" and that when he was trying jury cases at the Courthouse "you could hear him all over the square." Bailey was the first to heed the siren call from Cook County and went to Chicago where he became a proficient and well-known trial attorney for the Chicago City Railway Company, formerly the West Side Street Car System. William Holly moved to Chicago later and became and served as Federal Judge in Cook County for a number of years. He maintained interests in this county and continued to keep in touch and frequently visited his old friends in Macomb. Holly died in the late 1950's. For a short time Holly practiced with the firm of Clarence Darrow and Edgar Lee Masters. He was at one time a partner with Clarence Darrow and delivered a eulogy for Mr. Darrow at that famous lawyer's funeral.

McDonough County did not wait until the 60's and 70's to present the issue of women's rights. The Illinois Women's Suffrage Act had been passed in 1913. In the 1914 election

in Macomb for City Judge (at which election the ladies voted) Josie Westfall received 409 votes from the men and 430 votes from the women for a total of 839. Her closest opponent, Dean Franklin, received 430 votes from the men and only 147 from the women for a total of 577. He was a poor loser and brought suit in McDonough County Circuit Court to have Miss Westfall's election declared invalid on the ground that the Illinois Women's Suffrage Act did not authorize the ladies to vote in that judicial election. Judge Thompson entered judgment for the Defendant and the gentleman (?) plaintiff appealed. In a 4-3 decision (273 Ill. 402) the Supreme Court, by what is arguably some tenuous reasoning, found otherwise and reversed the lower court. Six years later — in 1920 — the 19th Amendment corrected the inequities. There were two interesting footnotes: The firm of Curran & Curran, in Macomb, with three other capable lawyers, represented Plaintiff Franklin. Curran & Curran were a husband and wife team — Daniel J. and Alice O. The question might be how she found her way clear to give her best efforts to the male chauvenist in this case. The other is: Miss Westfall, defeated in her bid for judge, took over an old house in a factory area in Macomb, founded an orphanage — which was sorely needed — and continued her charitable work there, and later in a modern brick building until about 1949 to become an institution in the City of Macomb and McDonough County. In those 35 years she unquestionably contributed more to the people of this area — caring for orphans and dependent children — than she ever could have as judge — so things turned out for the best after all.

Women's rights were challenged again in McDonough County in the case of *People v. Thurman*. In 1939 the Legislature had modified the statute with reference to jurors — and

provided that the ten percent list should include voters "of both sexes." The County contended this authorized the seating of women on Grand Juries. In 1941 an indictment was returned by the McDonough County Grand Jury, on which there were five women, charging the defendant with the crime of mayhem. The motion to quash on the ground that the Grand Jury was illegally constituted by reason of the women serving thereon, was granted and the County appealed. The Supreme Court (377 Ill. 353) reversed — and the right of women to serve on grand juries was established. (The statute was again amended by the legislature — in 1941 — while the case was on appeal — and all question was obviated.)

So, perhaps ERA is not entirely new in this county.

Where does one draw the line in telling stories, describing personalities and relating biographies? As indicated at the outset, this brief history cannot have room for all of them. But we know the McDonough County Bar can look back over its history for one hundred years — and more — with perhaps a chuckle here and there — but, more importantly, with pride and appreciation for its good examples set over the years. And we can look forward to another century of continuing contribution to the progress of the community and the evolvement of the law.



The McDonough County Courthouse.

# MERCER COUNTY BAR

MERCER COUNTY BAR WAS ORGANIZED  
IN 1871 WITH 19 ACTIVE MEMBERS

By CHARLES H. CARLSTROM\*



THE history of a bar association, by reason of the nature of such organizations, is the story of the human beings who created, operated, and belonged to it and of their professional, political and civic activities. But necessarily the governmental entity which is the organization's situs must first exist.

Although Illinois was admitted to the union of states in 1818, Mercer County, named for General Hugh Mercer, a Revolutionary soldier killed at the battle of Princeton, N.J., did not achieve existence as an autonomous governmental unit until the first Monday in April, 1835, when three county commissioners, a sheriff, and a coroner were elected pursuant to an enabling act of the General Assembly approved and effective January 31, 1835.

The earliest existent record of circuit court proceedings in the county is found in Book A, Chancery Record, beginning with the October Term 1839. The first three recorded cases being divorce actions, the county appeared on the way to becoming an early day Reno. At this and subsequent terms for several years the attorneys appearing in local courts were largely from other counties which for greater convenience to existing avenues of communication and commerce were settled earlier.

It also appears that 1839 was the year that the county acquired its first resident attorney, one Hiram W. Thornton settling in Millersburg, no longer incorporated, to engage in the

practice of law. He was followed in 1842 by James H. Stewart, in 1844 by John S. Thompson and L. B. Howe. These were apparently the earliest forerunners of Mercer County's present lawyers.

Returning to present realities of the organized bar before searching back to its creation, the Mercer County Bar Association today consists of the following active practitioners: James C. Allen, Donald M. Anderson, President, Martin E. Conway, Gene McWhorter, A. D. Moody, David Mason, Stanton H. Prentiss, John D. Sloan, State's Attorney, Dwight L. Shoemaker, Secretary, and John C. Seaton. Inactive as practitioners are Glenn W. Appleton, now a Circuit Judge, and Gladys Felton and the writer, both retired.

On January 6, 1871, the attorneys of Mercer County met pursuant to call at the office of Messrs. Pepper & Wilson "for the purpose of the organization of a legal society to take into consideration a tariff of fees, the arrangement of libraries, etc."

The minutes of this and subsequent meetings for many years thereafter are recorded in a hard-bound sheep covered ledger which bears on page 3 the hand-written notation: "This book was presented to the Mercer County Bar Association by J. C. Pepper."

The donor called the meeting to order, Isaac N. Bassett was elected chairman and John S. Thompson, J. M. Clokey, and James H. Connell were delegated to draft articles of association to be submitted at the next meeting set for January 10, 1871.

On that date the articles, providing for the preparation of a tariff of fees and for procurement, maintenance and use of libraries, and establishing elective offices and meeting dates, were presented and adopted. The concluding paragraph, "And for a faithful observance of the obligations hereby assumed, we pledge to each other our professional honor," preceded the following signatures:

John S. Thompson	B. C. Taliaferro
John C. Pepper	Isaac N. Bassett
C. J. Bartleson	J. E. Griffin
C. W. Bros	James C. Connell
J. M. Clokey	James M. Wilson
S. W. McCoy	James Henderson
Lewis W. Thompson	B. F. Brock
Amos F. Waterman	L. D. Holmes
W. J. Pepper	W. McK. Young
J. C. Wharton	

Noteworthy at this point is the fact that there were, in 1871, nearly twice as many practicing attorneys in the county as now serve a larger population. Perhaps the conclusion that there were more litigious people about in that era is justifiable and is supported by a statement on page 313 of I. N. Bassett's 1914 history of Mercer County. He there writes, in part, "at a special term held in January, 1858, there were on the docket 68 criminal cases, 409 cases in common law and 101 cases on the chancery docket; and that was about the average of the docket commencing with 1857 up to 1860."

Assuming the minutes were kept with regularity, the times specified for meetings in the articles of association were not regularly observed. Follow-

\* Of Aledo, member of Mercer County Bar Association and retired judge.

## MERCER (cont.)

ing an adjourned meeting held on January 27, 1871, the next entry reports a meeting held Dec. 19, 1876, at the offices of Messrs. Pepper & Wilson. Among the items of business there reported is the following: "On motion it was ordered that the association proceed to elect three delegates to represent Mercer County in the State Convention of Attorneys, called to meet at Springfield, Jan. 4, 1877, for the purpose of organizing a State Bar Association. The following named persons were elected delegates: B. C. Taliaferro, Isaac N. Bassett, and J. C. Pepper." Provision was made for the reimbursement of their expenses for attending the convention. Through them the Mercer County Bar Association participated in the formation of the State Association, and they returned expenses of \$12.40 each, a pittance which would not get a room for one night in this inflation-ridden era.

Minutes of a meeting held Dec. 2, 1878, reveal the selection of L. D. Holmes and B. C. Taliaferro as delegates to the Illinois State Bar Association and further show that conduct in disregard of the high ideals of the profession is a recurring problem, one entry reading, "Messrs. J. C. Pepper, Bassett and Thompson were constituted a committee to draft resolutions relative to shisters.(sic)" Careful search of subsequent minutes failed to satisfy a nagging curiosity as to the content of those resolutions.

On January 2, 1882, the Association adopted a new constitution to replace the original articles of association. This document made no mention of fees and in the second paragraph appropriately and beautifully stated that "The object of the Association shall be to cultivate the science of jurisprudence, to facilitate the administration of justice, to elevate the standard of integrity, courtesy, and honor in

the legal profession \* \* \*."

The announced aims have been attained and maintained by the members of the association almost without exception through the association's 105 year history.

In 1903 Guy C. Scott was elected a Justice of the Supreme Court of Illinois. Upon his death in office in 1909, his good friend, George A. Cooke, was elected to complete his term and later to a full term. Two Supreme Court Justices from so small a bar might seem enough honor, but one of our members, John F. Main, after practicing at the local bar for about four years, heeded the advice of Horace Greeley and moved to the State of Washington at the turn of the century. In 1913 he was elected Justice of the Supreme Court of that state.

W. J. Graham and the writer's father, Oscar E. Carlstrom, formed a partnership in Aledo in 1913, later being joined by Paul J. Graham, a younger brother of the senior partner. The elder Graham was already serving as the district's representative in Congress when the partnership was formed. He resigned from the Congress to accept appointment as Judge of the United States Court of Customs Appeals which office he held until his death. Mr. Carlstrom, after serving as a member of the State Tax Commission, was elected Attorney General of Illinois in 1924 and re-elected in 1928. At his death he held the office of County Judge of Mercer County.

Since the formation of the present 14th Judicial Circuit, the local bar, despite a county population considerably less than half that of the next smallest county of the circuit, has been represented on the circuit bench by William T. Church, George O. Hebel, the writer, and, presently, Glenn W. Appleton.

Despite oft-repeated derogations of the law and its practitioners, there is no doubt that the rewards for sincere

devotion to the demands and ideals of the profession attract to the practice many of those related to established lawyers. Firms consisting of or including brothers or fathers and sons have been engaged in the practice here almost from the earliest days though none exist at present. The association of the brothers Graham has previously been noted. In the years 1857-1860 and 1862-1869 Isaac N. Bassett was joined in the practice by his brother John R. Bassett, the latter then serving as County Judge for two terms. Brothers John C. Pepper and Walter J. Pepper practiced in the county but never in partnership, in fact contending in a medical malpractice case which generated county-wide interest.

Judge George O. Hebel practiced for some years with his father, David A. Hebel, the latter having prior to their association, served the county as Judge of the County Court. The writer was associated in practice with his father during the years 1941-1946.

Judge James A. Allen headed the only complete family firm, being joined in practice by both James C. and Richard B., his sons and only children. Both Judge Allen and James served Mercer County as State's Attorneys and the Judge occupied the County Court bench for ten years. Richard B. Allen, preferring service to the organized bar to general practice, withdrew to serve as general counsel to the Illinois State Bar Association. He later was employed by the American Bar Association in Chicago and is currently editor of the ABA Journal.

Three current association members, Circuit Judge Appleton, Stanton H. Prentiss, and James C. Allen have served their county as State's Attorneys, each of the two last named having secured convictions of the defendants charged in the county's two most spectacular jury trials for murder.



# PEORIA COUNTY BAR

## SIX PRESIDENTS OF THE ILLINOIS STATE BAR ASSOCIATION CAME FROM THE PEORIA BAR

By JOHN H. ROYSTER\*



THE Peoria County Bar Association located in Peoria, a city of 100,000 on the Illinois River midway between Chicago and St. Louis, in Peoria County, Illinois, has a long history of Bench and Bar activity prior to its first formal organization as a Bar Association. The roots of this Bar Association reach deeply into Indian, French, and English history.

**PRE-BAR ORGANIZATION.** The Peoria County Circuit Court held its first session on November 14, 1825. At this term of court No-Ma-Que, an Indian, was indicted by the first Grand Jury and tried for the murder of a Frenchman. The courthouse was a log building 14 x 14 feet square with one window, a basement which served to house prisoners and which sometimes was used as a stable. John York Sawyer, Judge; John Dixon, Clerk; and Samuel Fulton, Sheriff. William Hamilton, a son of the famous Alexander Hamilton, acted as attorney for the defendant. It is interesting to record that said Alexander Hamilton was the author of probably the first book of Illinois legal forms and related material. The publication was entered in the office of the Clerk of the District Court of Illinois November, 1835. The title of the book is "The Illinois Form Book — and Practical Guide containing a summary view of the statutes up to the close of session of 1835." In the 408 pages appears, together with legal forms, tax and interest tables and a short system of bookkeeping. A well pre-

served copy first owned by Louis H. Tichnor of Springfield, Illinois, May 19, 1839, is now in possession of the author of this article.

Upon four days trial the traverse (petit) jury returned the verdict "do find No-Ma-Que, an Indian of the Potawatomie tribe, guilty of murder of Pierre Landre", dated November 17, 1825. Various motions and appeals were prosecuted and in the May term, 1828, the murder case of No-Ma-Que was struck from the docket.

An early history of Peoria County

published by Johnson & Company of Chicago in 1880 gives the following as the facts to that famous case: "When Black Hawk invaded Illinois in 1832 No-Ma-Que was present with him at Stillman's Run and was badly wounded. He was found in that condition lying in the way of some of the Peoria men, who *humanely* shot him to death to end his misery." Thus was the original verdict of "guilty" carried out years later by Peoria citizens without benefit of a formal order of execution. Lincoln may have passed the spot when he passed through Peoria on foot in 1832 upon his return from the Black Hawk War.

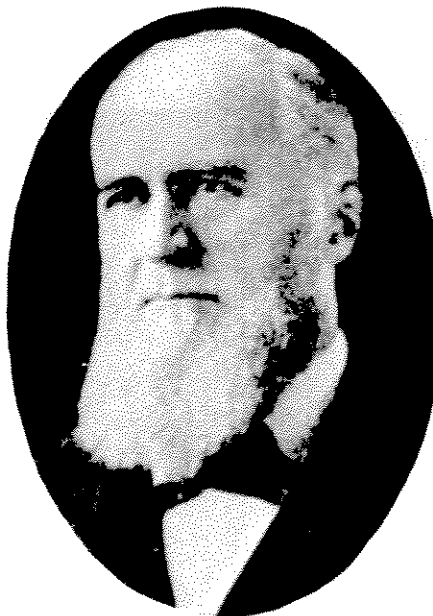
The case is cited *Nomaque, an Indian v. The People*, 1 Ill. 150.

The Bar of Peoria County continued to operate with no formal organization. In 1832 and 1833 the Judicial District of Peoria was organized and contained approximately the northern third of the counties of the State of Illinois with the courthouse at Peoria. Between 1832 and 1879 the lawyers who practiced in Peoria County had no formal Bar organization but many able and brilliant men moved the cause of justice and legal affairs of the citizens of Peoria through its crude courtrooms. In this brief space it is only possible to note a few whose ability and legal success were highly acclaimed in their own time.

An article prepared by Isaac Underhill appeared in Droun's Peoria Directory (1844), stating:

"The only practicing members of the Bar that resided here (Peoria 1833) at

\* Of Peoria, member of Peoria County Bar Association.



David McCulloch, Peoria, one of the five delegates of the Peoria Bar who attended the organizational meeting of the Illinois State Bar Association on January 4, 1877, was elected the second President of the Illinois State Bar Association in 1880.

## PEORIA (cont.)

that time were the Hon. Lewis Bigelow and Charles Ballance. The former was an eminent jurist and profound scholar. I was informed that he wrote a digest of the laws of Massachusetts, a valuable work of upward of eight hundred pages, *with one Quill*. He died here in 1838."

It was this Judicial Circuit that was the legal arena famous as the trial of the circuit riders who hold such a prominent place in Illinois legal history.

The following attorneys and counselors at law are listed in Roots — Peoria City Directory for the year 1859 just twenty years before the organization of the first Peoria Bar Association:

Henry S. Austin  
Charles Ballance  
George S. Blakely  
Charles C. Bonney  
Bryan & Stone  
Jonathan Cooper  
Davidson & Feinse  
Alfred M. Gibbons  
Henry Grove  
George F. Harding  
Henry B. Hopkins  
Ingersoll Brothers (Robert G. being the world famous orator and colonel of a regiment in the Civil War)  
Elbridge G. Johnson  
Lindsay & Merriman  
Alexander McCoy  
David W. McCulloch  
William M. O'Brien  
Loring Pratt  
Norman Purple  
Hugh Reynolds  
Lyman Spaulding  
H. M. Wead  
Marion Williamson

It is interesting to note that Peoria was in 1859 a town of about 5,000 with 25-30 lawyers just two years before the beginning of the Civil War.

The professional status of the lawyers in Peoria was noted about 1870 by The Hubbell Legal Directory. Undoubtedly there were more lawyers in Peoria than were shown in the directory. It was the first crude attempt to show professional standing in the geographical areas shown in the di-



John S. Stevens was one of the six lawyers from Peoria who was elected President of the Illinois State Bar Association. Stevens was President in 1901-02.



Soon after John S. Stevens was chosen President of the Illinois State Bar Association, George T. Page, another Peorian, was elected to that office. He served in 1905-06.

rectory. The following names are taken from their listing directory from 1871 to 1879, when the Peoria County Bar first organized as a professional group:

1871 — Ingersoll & McCune  
1872 — Ingersoll & McCune  
1873 — E. G. Johnson  
H. Grove  
1874 — Thomas Cratty  
James St. Clair Boall  
Josiah Cratty  
David McCulloch  
John S. Stevens  
W. W. O'Brien  
L. Harmon  
N. E. Worthington  
1875 — Cratty Bros.  
H. B. Hopkins  
E. G. Johnson  
A. C. Hewett  
David McCulloch  
John S. Stevens  
W. W. O'Brien  
Geo. H. Kettelle  
James M. Rice  
N. E. Worthington  
1876 — Cratty Bros.  
L. Harmon  
J. B. Hopkins  
J. H. Morron  
E. G. Johnson

A. C. Hewett  
James M. Rice  
H. W. Wells  
Geo. H. Kettelle

1877 — Cratty Bros.  
L. Harmon  
H. B. Hopkins  
J. H. Morron  
E. G. Johnson  
A. C. Hewett  
S. D. Puterbaugh  
John S. Lee  
M. C. Quinn  
James M. Rice  
John S. Stevens  
H. W. Wells  
N. E. Worthington

1878 — Cratty Bros.  
L. Harmon  
H. B. Hopkins  
J. H. Morron  
L. W. James  
Wm. Jack  
E. G. Johnson  
A. C. Hewett  
James M. Rice  
Robison & Worthington  
John S. Stevens  
John S. Lee  
H. W. Wells

The Peoria County Bar sent five delegates to attend the organizational



meeting of the Illinois State Bar Association on Jan. 4, 1877: J. W. Cochran, S. D. Puterbaugh, David McCulloch, H. W. Wells and J. S. Starr.

**ORGANIZATION OF THE PEORIA BAR ASSOCIATION.** The Peoria Bar Association organization was accomplished in three steps, each no doubt beset with fratricide and rebellion. The first organization was accomplished at a meeting in the Peoria County Branch courtroom Tuesday evening, November 18, 1879. It was called the Peoria Bar Association and the constitution and bylaws were adopted by the following members of the Bar who signed the above documents, namely:

1. S. D. Puterbaugh
2. D. W. McCulloch
3. Thomas Cratty
4. Alva Loucks
5. Henry C. Fuller
6. I. K. Cooper
7. M. N. Gish
8. H. B. Hopkins
9. John W. Karr
10. John W. Voigt
11. J. M. Tenny (?)
12. N. E. Worthington

13. Samuel E. Clark
14. Wellington Loucks
15. G. W. Johnson
16. Nickol Ulrich
17. Jno. B. Cohrs
18. J. Todd (?)
19. James M. Rice
20. D. E. Powell

The original minute book containing the handwritten constitution of the Peoria Bar Association with the written signatures of the subscribers is now in possession of the Peoria County Bar Association.

Bylaws were adopted which provided among other things for annual dues of \$1.00 per year and in the order of business the fifth item was "Intermission for social conversation". It is submitted by the author that no Bar Association ever had social conversation with dry tongues.

The election of the first slate of officers was as follows:

- David W. McCulloch, President
- J. K. Cooper, 1st Vice President
- S. D. Puterbaugh, 2nd Vice President
- H. C. Fuller, Secretary
- Thos. Cratty, Treasurer

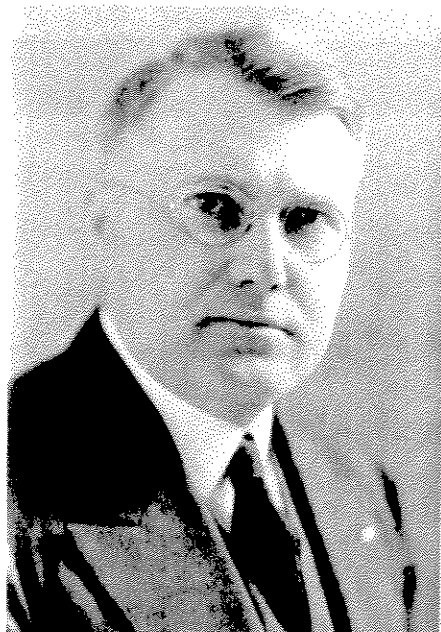
The meeting of January 13, 1880, heard the inaugural address of President David McCulloch which was

printed in three full columns in the daily newspaper. At this meeting we note the first contact between the Peoria Bar Association and the Illinois State Bar Association. The minutes of the meeting contain the following:

"A report from the session of the State Bar Association held at Springfield on the 8th instant (1880) was made by Mr. Cratty and remarks were then made upon the topic, 'The benefits of a bar association' by Messrs. Puterbaugh, Cohrs, Worthington, Starr, Hopkins, and McCulloch."

It is very interesting to note that formation of the State Bar Association was closely followed by the Peoria Bar Association and that even at that early date the local Bar Association regarded it as important to send delegates to the State Bar Association's meeting and to report upon that State meeting to the local association.

Subsequent meetings in February, March, April, May and June, 1880, were held and lengthy and scholarly addresses delivered at each, such as "The Historical Significance of the 4th Year of James 1st" by N. E.



Clarence W. Heyl, Peoria, President of the Illinois State Bar Association in 1930-31.



Timothy W. Swain, Peoria, President of the Illinois State Bar Association in 1958-59.



Lyle W. Allen, Peoria, President of the Illinois State Bar Association in 1972-73.

## PEORIA (cont.)

Worthington. (It may be freely admitted that by such measurement the cultural side of the present Bar activities is very short of breath.)

In any event the year 1880 closed and the Bar minute book ended June 8, 1880. We have no evidence of what caused the cessation of the first organized Peoria Bar activity at that time.

The second stanza in the saga of the Peoria Bar Association came on July 20, 1888, just eight years after the last minutes of the first organization. There is no explanation of the hiatus in the organization. The 1888 Association adopted a constitution and bylaws practically identical with the 1879 constitution and bylaws. The 1888 constitution was adopted by the following signed members on July 25, 1888:

1. James H. Sedgwick
2. David McCulloch
3. George T. Page
4. A. Keithley
5. J. M. Niehaus
6. W. I. Slemmons
7. W. V. Tefft
8. S. D. Wead
9. L. W. James

The officers elected on July 28, 1888, were:

James H. Sedgwick, President  
George T. Page, First V.P.  
J. M. Niehaus, Second V.P.  
Arthur Keithley, Secretary  
David McCulloch, Treasurer

The organizational meeting adjourned to Tuesday, August 14, 1888. The only minutes recorded were that the meeting was called to order and adjourned to second Tuesday in September, 1888. No other meetings were held or activity noted. No speeches reported.

**THE THIRD AND PRESENT PEORIA COUNTY BAR ASSOCIATION.** The present Association was formed as Peoria Bar Association at a meeting of 23 prominent Peoria law-



John E. Cassidy Sr., Peoria, was appointed Attorney General of Illinois in 1938 after Otto Kerner resigned that office.

yers at the Creve Coeur Club on November 27, 1905. A speech was made urging the organization of a *permanent* Bar Association by George T. Page, then President of the Illinois State Bar Association. John S. Stevens, former President of the Illinois State Bar Association, Winslow Evans, F. J. Quinn and John M. Niehaus also urged the organization of a permanent Bar Association at Peoria. The present Peoria Bar Association form was adopted at a meeting held at the Creve Coeur Club January 8, 1906. Officers elected were:

William L. Ellwood, President  
S. D. Wead, First Vice President  
George B. Sucher, Second Vice President  
Frank T. Miller, Secretary  
Ed. D. McCulloch, Treasurer

Fifty members of the Bar were present and voted the adoption of the constitution and election of the above officers.

The only significant change in the third Association from the two prior

ones was the eligibility for membership. In 1879 and 1888 members of the Illinois State Bar could be members of the Peoria Bar. In 1905 Association membership was confined to "all lawyers *residing* in Peoria County."

The permanent character of the 1905-1906 Association was recognized by the State of Illinois issuance of a charter to the Peoria Bar Association by the Secretary of State of Illinois on April 20, 1906. The Association has been operating under that charter except for the change of name from Peoria Bar Association to Peoria County Bar Association.

**ILLINOIS STATE BAR PRESIDENTS.** The Peoria County Bar Association has a long history of close and effective cooperation with the Illinois State Bar Association. Peoria has furnished to the Illinois State Bar Association the following presidents:

1. David McCulloch .....1880  
(Was second President and first Vice President, Peoria Bar Association, 1879-1880)
2. John S. Stevens .....1901-1902  
(President, Peoria Bar, 1910)
3. George T. Page .....1905-1906
4. Clarence W. Heyl .....1930-1931  
(President, Peoria Bar, 1921)
5. Timothy W. Swain .....1958-1959  
(President, Peoria Bar, 1954)
6. Lyle W. Allen .....1972-1973

**LINCOLN DAY BANQUET.** The Peoria Bar Association since its reorganization in 1906 has regularly honored the birth of Abraham Lincoln feeling that the paths of both had for a time been closely related. A high moment in the joint venture was in the speech made by Lincoln at the Peoria County Courthouse October 16, 1854, when he said:

"Stand with anybody that stands right. Stand with him while he is right, and part with him when he goes wrong."

The importance of the speech made by Abraham Lincoln at the Lincoln-Douglas debate at the Peoria County Courthouse on October 16, 1854, is

now recognized by most historians as of the highest order. "It was the starting point of the race which won for Abraham Lincoln the presidency of the United States, brought on the War of the Rebellion, led to the death of one-half million men and twice that number disabled by disease and wounds, made free men and women of four million slaves and desolated almost every home in the land." The above quotation appears in the remarkable eyewitness perceptive account of all the proceedings at the debate written by B. C. Bryner in his book "Abraham Lincoln in Peoria, Illinois" printed by Edward J. Jacob under copyright of the Lincoln Historical Publishing Co. First edition October 16, 1924; second edition October 16, 1926, at Peoria, Illinois. The annual celebration of the Abraham Lincoln-Peoria connection has long

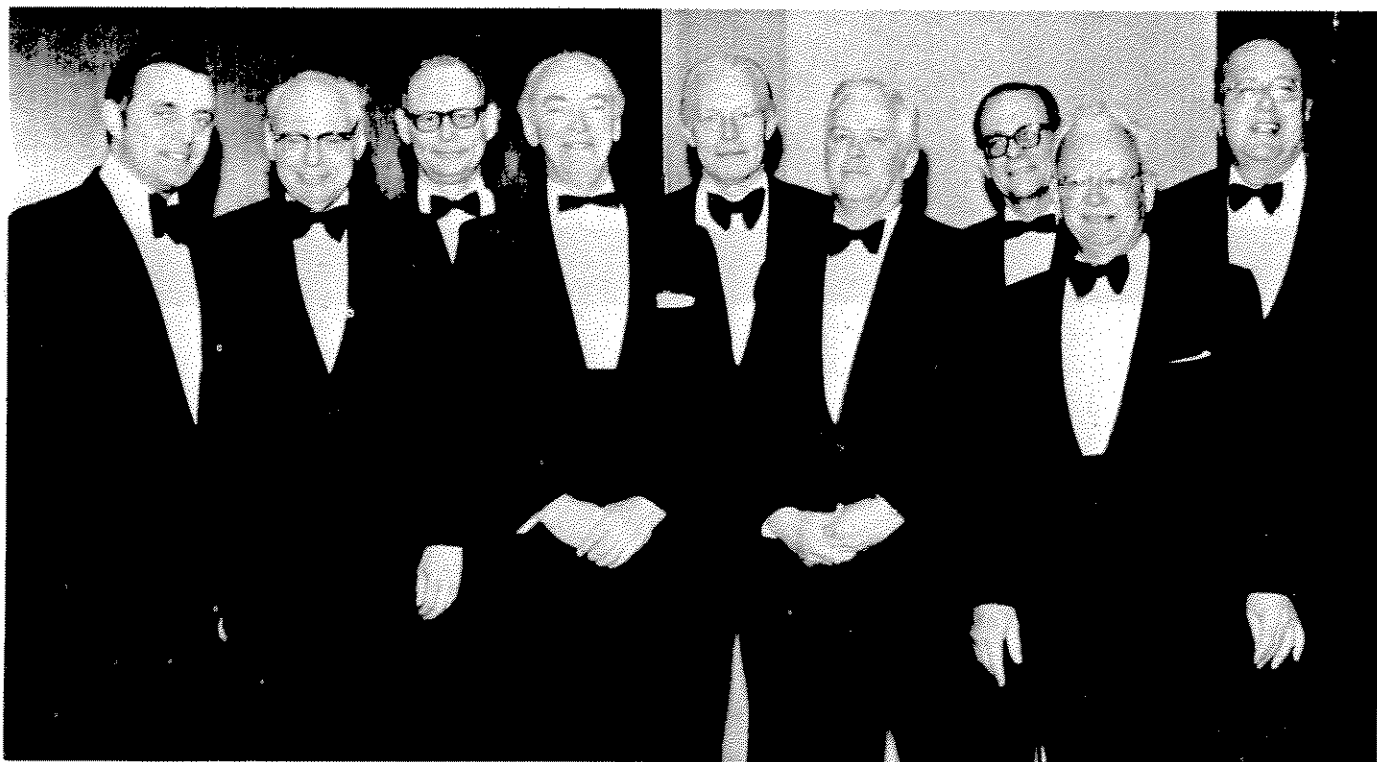
been a cherished tradition of the Peoria County Bar Association.

From 1906 until about 1922 the Association had some type of annual dinner and due respect paid to Abraham Lincoln. The first formal recognition of an annual Lincoln Day Banquet, also serving as the annual Peoria County Bar Association dinner, appears in the records of the annual meeting in the courthouse January 3, 1922. At that meeting a reference is made in the minutes to "annual dinner to be given on Lincoln's birthday, February 12, 1922." The printed program dated February 12, 1921, is titled "Annual Dinner — Peoria Bar Association" and makes no specific inference to Lincoln's birthday but Hon. Logan Hay, speaking as President of the Illinois State Bar Association spoke on Lincoln. It would appear that the first formal recognition by the

Association of Lincoln's birth date was on February 10, 1923, when the printed program for the annual dinner was titled "Annual Lincoln Memorial Banquet Peoria Bar Association — Gold Room, Jefferson Hotel, Peoria, Illinois, February 10, 1923, 6:45 P.M." The custom of an annual Lincoln Day Banquet has continued to the present day.

Outstanding speakers who have appeared at the annual Lincoln Day Banquets include:

Hon. James Reed  
 Frank Hogan  
 Wendell Berge  
 Hon. Adlai Stevenson (then delegate United Nations conference)  
 Hon. Thomas F. Murphy (Judge U.S. District Ct., New York)  
 Hon. Harold R. Medina (Judge U.S. Court of Appeals, New York City)  
 Hon. James F. Byrnes  
 Hon. William J. Donovan ("Wild Bill" Donovan)



Walter F. Mondale (left), then a Senator from Minnesota, was the principal speaker at the annual Lincoln Day banquet of the Peoria County Bar Association February 12, 1972 at the Pere Marquette Hotel, Peoria. Among other dignitaries who attended were (left to right): ISBA President Morton John Barnard, Chicago; J. Martin Lawless, PCBA Secretary; Appellate Judge J. M. Alloy; Federal District Judge Robert D. Morgan; Lyle W. Allen, ISBA First Vice President; Homer W. Keller, PCBA President; Stanley W. Crutcher, PCBA First Vice President, and Jack A. Coney, PCBA Lincoln Day chairman.

## PEORIA (cont.)

Barry M. Goldwater  
Robert F. Kennedy (then Chief Counsel, Senate Select Committee)  
Elihu Root  
John Bricker  
Judge Samuel S. Leibowitz  
Sander Vanocur  
Newton N. Minow  
Sen. John G. Tower  
Hon. Tom C. Clark (Ret'd Justice U.S. Supreme Court)  
Melvin M. Belli

Sen. Walter F. Mondale  
Richard G. Kleindienst  
Percy Foreman  
James R. Thompson  
Richard Ben-Veniste  
Willard Wirtz

**CONCLUSION.** It is fitting that in concluding this short resume of the history of the organization of the Peoria County Bar Association we should cite the statement of purpose as set forth in the first Peoria Bar Association's constitution of 1879:

"The Association is formed to promote reform in the law, to facilitate the administration of justice, to elevate the standard of integrity, honor and courtesy in the legal profession, to encourage a thorough and legal education and to cherish a spirit of brotherhood among the members thereof."

It is the hope of the Peoria County Bar Association to have a membership that will hold to the high purpose above set forth, among its members and in its relation to the public.



The Peoria County Courthouse at Peoria.

# VERMILION COUNTY BAR

## VERMILION BAR SENT FIVE DELEGATES TO THE ORGANIZATIONAL MEETING OF THE ILLINOIS STATE BAR ASSOCIATION

By JOHN F. TWOMEY\*



HERE is not much authentic written history of Vermilion County lawyers.

The first court was held in a home near Catlin on May 29th, 1826. What is now Vermilion County was part of Edgar County.

It was not until 1829 that court was held in a courthouse at Danville in a crude wooden building. The first building built for a courthouse was erected in the early 1830s.

The first lawyer of record was a Joseph Sample, followed by Solomon Banta, Moses Cox, and Pegleg Spencer in 1830.

In 1831 one Josiah McRoberts opened a law office in Danville. He later became the only man from Danville elected to the U.S. Senate. His partner, in Danville, was Isaac Walker, who left Danville, went to Wisconsin, and also was elected to the U.S. Senate in 1850.

David Davis, of Bloomington, a friend of Lincoln, was the Circuit Judge of the Circuit which included Vermilion County. In those days lawyers traveled the Circuit. Included among these Circuit riders were many famous lawyers including, of course, Abraham Lincoln, who maintained an office in Danville with Ward Lamon, who later became Lincoln's bodyguard, and who was absent the night Lincoln was shot.

Five members of the Vermilion County Bar were delegates to the organizational meeting of the Illinois State Bar Association on Jan. 4, 1877. They were E. S. Terry, J. B. Mann,

Wood F. Townsend, D. D. Evans, and F. W. Penwell. The five were recorded as charter members of the ISBA, of which there were 88.

Perhaps the classic story of the trials and tribulations of early lawyers is the local story concerning a famous old lawyer, J. B. Mann, who met a young lawyer just starting practice. Mr. Mann asked the struggling lawyer how he was doing. To which the youth replied: "Well, Mr. Mann, there are times when I just don't earn enough to eat." To which Mr. Mann replied: "Well, young man, at times you will almost starve, no

cases, no money, things will really be tough, and then, they will get worse."

Things among the lawyers in Vermilion County seemed to get better. In Danville on the 14th day of December, 1891, thirty-one lawyers and judges met and organized the Vermilion County Bar Association. At that meeting these judges and lawyers raised in cash \$4,000 for the establishment of a law library, and adopted a resolution to incorporate. The Vermilion County Bar Association was incorporated on the 31st day of December, 1891.

The law library established is still in existence, has quarters in a building across from the courthouse, and is one of the finest lawyer maintained county law libraries in the state. Visiting lawyers, of course, have full access to and are invited to use its facilities.

Two famous cases were held in Danville: Iroquois Theatre of Chicago fire case, and The A and P Food Store case. Both attracted nationwide attention.

Vermilion has produced two members of the Illinois Supreme Court — Judges Jacob Wilkin and Walter T. Gunn. Judges of the Federal Bench from Vermilion County were Walter C. Lindley of the Circuit Court of Appeals, Judges Casper Platt and Henry S. Wise, District Judges of U.S. Court for the Eastern District of Illinois.

The Illinois State Bar Association's first executive secretary, R. Allan

\* Of Danville, member of the Vermilion County Bar Association.



Joseph G. (Uncle Joe) Cannon, Danville, was a member of the Vermilion County Bar. He was a Speaker of the U.S. House of Representatives around the turn of the century. He served nearly fifty years as a Congressman.

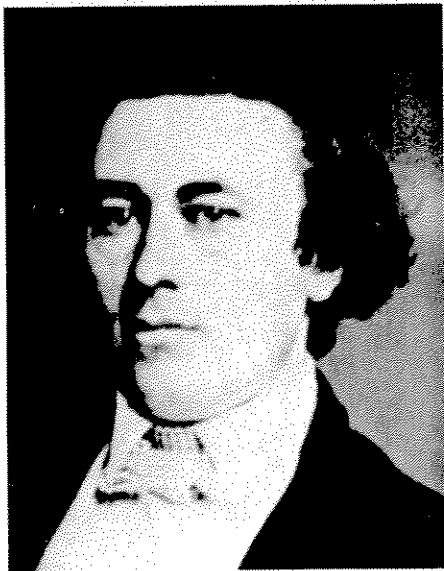


## VERMILION (cont.)

Stephens, was a member of the Vermilion County Bar for many years before he moved to Springfield. Born on June 9, 1878, at Potomac, Ill. and educated at Northwestern University (LL.B.) and Columbian Law School, Washington, D.C. (LL.M.), he was admitted to the Illinois bar in 1903. He started practice with Swallow, Stephens and Swallow at Danville. He became a member of the Illinois State Bar Association in 1907 and was named Secretary in 1916. He continued to reside in Danville until 1921 when he moved to Springfield to join the firm of Brown, Hay & Stephens. He continued as the full-time secretary of the ISBA until his death on July 26, 1942.

No account of lawyers from Vermilion County would be complete without mentioning Honorable Joseph G. Cannon, who served nearly fifty years in Congress, and for eight years as Speaker of the House of Representatives.

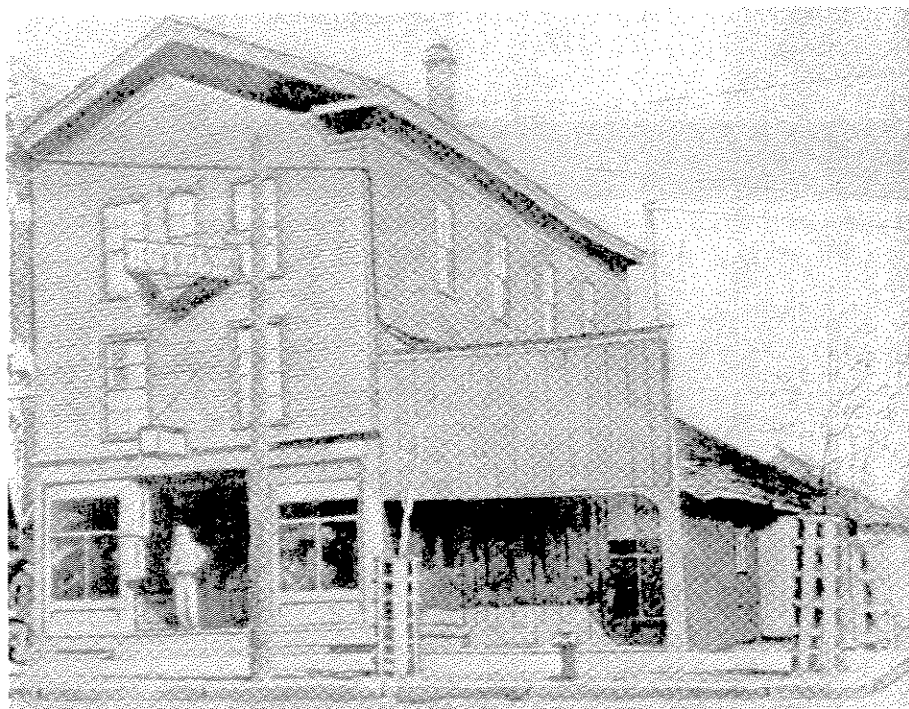
ATA



Ward Lamon was a partner with Lincoln when Lincoln tried cases on the circuit in Danville. Later when he became President, Lamon served as his bodyguard.



A group of Vermilion County lawyers are shown in this old photo. The picture apparently was taken during the "gay nineties." Notice the handlebar moustaches, striped pants, wide lapels and high collars.

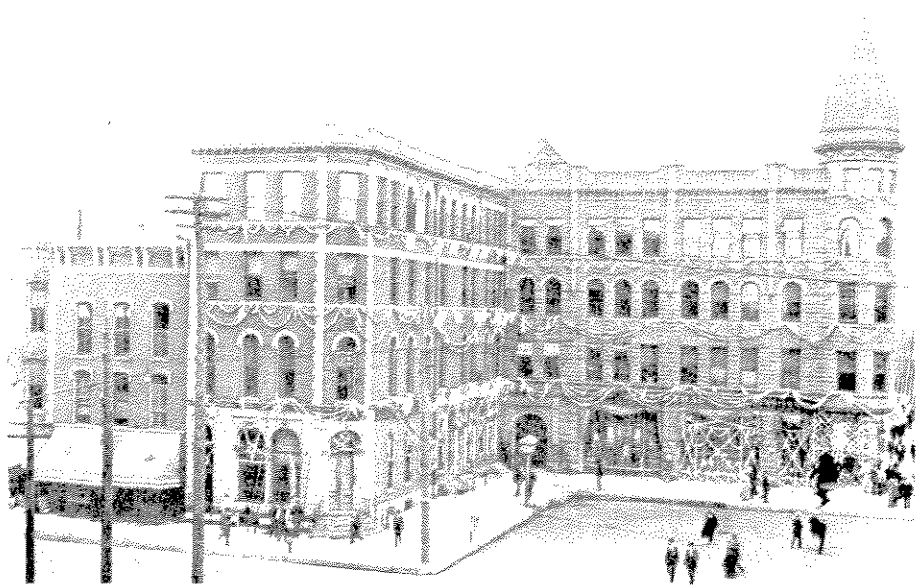


The office of Lincoln and Lamon was located in this old hotel in Danville before the Civil War. The hotel later was torn down and the First National Bank of Danville erected on the spot.





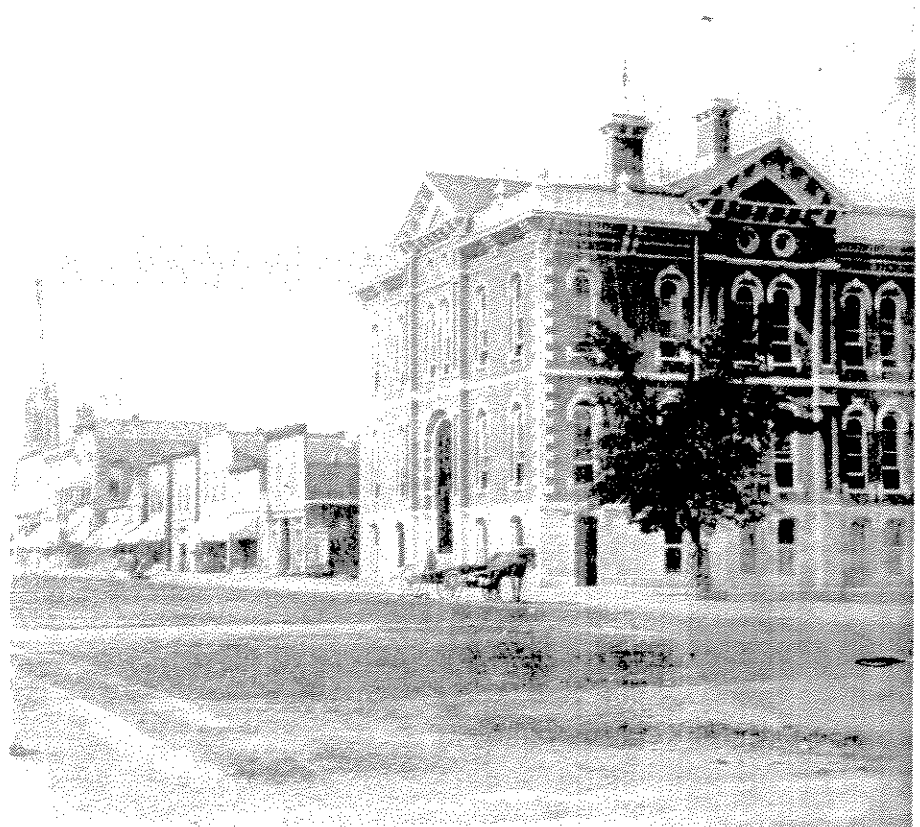
R. Allan Stephens, a Danville lawyer who later became the first permanent secretary of the Illinois State Bar Association.



The First National Bank of Danville Building is shown in the foreground. R. Allan Stephens, ISBA's first permanent secretary, maintained the office of the ISBA here until he moved to Springfield in 1922.



Albert Saikley, Danville, who was a member of the Board of Governors of the Illinois State Bar Association for many years and Secretary from 1961 to 1969.



The old courthouse of Vermilion County in Danville in a photo taken in the "horse and buggy" days.

# WILL COUNTY BAR

A LIEUTENANT GOVERNOR, ATTORNEY GENERAL,  
CONGRESSMEN AND SEVERAL JUDGES  
CAME FROM THE WILL COUNTY BAR

By FRANK H. MASTERS JR.\*



THE County of Will was established by an Act of the Illinois General Assembly in force January 12, 1836 (Laws of 1836). Will County was set off from Cook County.

Section 3 of such Act provided: "The said County of Will shall constitute a part of the Sixth Judicial Circuit."

Subsequently, Will County has been a part of the Seventh Judicial Circuit (Cook, DuPage, McHenry and Will) (Act of March 2, 1839). The Seventh Judicial Circuit was enlarged (Act of February 23, 1841) (Cook, DuPage, Grundy, Iroquois, Lake, McHenry and Will). Will County next became a part of the Eleventh Judicial Circuit (Winnebago, Boone, McHenry, DuPage, Will, Grundy, and Iroquois) (Act of December 1, 1849). By an Act in force July 1, 1877, the General Assembly created the Ninth Judicial Circuit composed of the Counties of Bureau, LaSalle, Will, and Grundy.

Finally, by an Act to divide the State of Illinois, exclusive of Cook County, into Judicial Circuits (in force July 1, 1897) the Twelfth Judicial Circuit was created, composed of the Counties of Will, Kankakee and Iroquois. At the present point in time, to-wit, January, 1977, Will County remains in the Twelfth Judicial Circuit.

The Bar of Will County had a rather inauspicious beginning. The first Circuit Court in Will County was convened in a vacant room above Wilson's Store on Ottawa Street in

downtown Joliet next to the old Joliet Firehouse No. 1. Judge Thomas Ford journeyed from Edwardsville in southern Illinois to hold Court in October, 1836. Judge Ford was a Justice of the Supreme Court briefly in 1841-1842 and became the 8th Governor of Illinois in 1842. Judge Ford was born in Uniontown, Pennsylvania in 1800 and died in Peoria in 1850. Uri Osgood, a New York lawyer who had recently settled in Joliet (then known as Juliet) was appointed the first Prosecuting Attorney of the County.

Uri Osgood also served in the Illinois Senate in the 17th and 18th General Assembly (1853-1856). In his advertisement in the 1860 Will County



Uri Osgood, a member of the Illinois Senate from 1853 to 1856.

Directory he also held himself out as a "Dealer in Foreign and Domestic Exchange".

The information pertaining to the activities of the Will County Bar in the 19th Century is fragmentary, to say the least. It would appear from such records as are available, that the work of the Bar was primarily concerned with matters of probate, conveyancing, collections, etc.

Interestingly enough, in view of the present discussion regarding the propriety of lawyer's advertising, is the fact that Will County lawyers did advertise extensively in the last half of the 19th Century. The Will County Directory for the year 1860 displayed an interesting advertisement. (See figure A next page.)

It would appear that one of the essential components of a well organized law office of the day was to have its own judiciary.

Another firm took the entire back cover of the directory holding itself forth as being expert in "Probate, Conveyancing, etc."

The Illinois State Bar Association was founded at a convention of lawyers assembled in Springfield on January 4, 1877. Will County was privileged to have two members of its Bar as representatives at the founding convention. They were Sylvester W. Munn and Daniel H. Pinney. Mr. Munn was born in New York, and he came west as a young man, going first to Wisconsin, where he studied law and was admitted to practice.

\* Of Joliet, member of the Will County Bar Association.

**PENNSYLVANIA HOTEL,**  
JOLIET, ILL.  
**SAMUEL SHREFFLER,** - - - - Proprietor.

This new Hotel, situated on Washington street, near corner to the N. Louis, Alton & Chicago, Michigan Central, Chicago & Rock Island R. R. Depot, has recently been furnished and fitted up now throughout in a style well calculated to attract those in the city, and is now open for the accommodation of visitors, and the traveling public generally. Business dry and well ventilated.

W. WALLACE STEVENS. BENJ. RICHARDSON.

**STEVENS & RICHARDSON,**  
ATTORNEYS,  
**COUNSELORS & SOLICITORS,**  
And General Land and Collecting Agents.

ALSO:  
**BENJ. RICHARDSON,**  
IN A  
**JUSTICE OF THE PEACE.**

Office in Cagwin's New Block, Jefferson St.,  
**JOLIET, ILLINOIS.**

Conveyancing done, Acknowledgments Taken, &c., &c.

**WM. H. GANSON,**  
DEALER IN

Choice Family Groceries & Provisions, Green & Dry Fruits,  
WOOD AND WILLOW WARE, SALT, &c.

CASH PAID FOR BUTTER, EGGS, OATS AND CORN.  
NO. 9 EXCHANGE, JOLIET.

*Figure A*

He came to Will County in 1854 and settled in Wilmington. He was a soldier in the Civil War and arose to be the major of his regiment. He was elected State's Attorney in 1864, and soon after moved to Joliet. Mr. Munn served in the Illinois Senate from Will County in the 31st and 32nd Sessions (1879-1882).

Mr. Pinney served as a Representative in the Illinois General Assembly in its 30th Session (1877-1878). Unfortunately, no more information is available at this time concerning Mr. Pinney.

An account of the Bar of Will County prior to 1884 is found in the Historical Edition of the Joliet News, edited by James H. Ferriss, and published in 1884:

"From our earliest history we have had able, acute and eloquent representatives of the legal profession. It is no disparagement of the present ones, to say that the first have not been surpassed in our history. The first one in point of time was Mr. Elisha C. Fel-

lows, who came first to Channahon in 1834, and hung out his shingle soon after in Joliet. He was especially noted as a criminal lawyer. For a brief and curious portion of his life here, Mr. Fellows was a preacher of Millerism and an Abolitionist. He was a native of Columbia County, N.Y. and died in Lockport, Illinois in August, 1876.

W. E. Little, a portion of the time a partner of [Uri] Osgood, was a young man of great brilliancy. He was a native of New York, but had studied his profession and practiced in Pennsylvania. He was a Chairman of Judiciary Committee. He died in September, 1851 at the age of 34.

In 1839, Jesse O. Norton came to Joliet from Missouri where he had taught school for a year or two. He had a judicial mind and a pleasing address. He was popular as a lawyer and a man, and in 1848 was chosen to represent our County in the State Constitutional-Convention of 1848, elected to the Legislature in 1850 and in 1852 was chosen to represent this district in Congress, and re-elected in 1854. In 1866 he received the appointment of District Attorney for northern Illinois and removed to Chicago. He also received the appointment of Counsel to the City of Chicago. He died in August, 1875 and his remains sleep in Oakwood.\*

David L. Gregg must be added to the list of the early lights of the Will County Bar. He came here as early as 1838 or 1839. In 1839 he became editor of our first newspaper the "Joliet Courier". He was elected by the Democrats to the Legislature of 1840, was appointed Secretary of State by Governor French in 1851, was only beaten by two votes by J. A. Matteson\*\* for the nomination of Governor of the State, was appointed Commissioner to the Sandwich Islands by President Pierce, and afterwards to a Nevada Land Office, where he died in 1869.

J. E. Streeter who was later a Justice of the Supreme Court of Nebraska, was for several years a Joliet lawyer. He was a fine speaker and at the commencement of the War his voice was often heard on the side of loyalty to the Union."

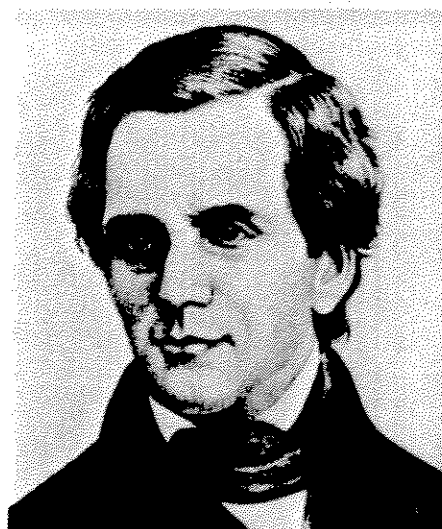
\* Jesse O. Norton was also a Circuit Court Judge of Will County from 1857 to 1861.

\*\* Of Joliet, Illinois.

According to W. W. Stevens in "Past and Present of Will County, Illinois" (1907) Uri Osgood, who as stated, was appointed the first Pros-

ecuting Attorney of Will County in 1836, was still active in practice in 1863. According to Mr. Stevens, Mr. Osgood was the first attorney to commence and prosecute to a successful termination a personal injury action in the county. In fact, no suit of the kind had been prosecuted to judgment in the State, and it was stated that many lawyers had doubts as to whether a suit of the kind would be sustained by the Supreme Court. The case was that of Verly against the City of Joliet. Miss Verly had the misfortune to fall down the stone steps at the west end of the canal bridge on Exchange Street (now Jefferson Street) sustaining severe injuries. The case was tried in March of 1863 and Miss Verly obtained a judgment of \$1500.00 against the City. A motion for a new trial was over-ruled, and the case was appealed to the Supreme Court where the judgment was affirmed at the April, 1864 term, (35 Ill. 58).

Will County has had many distinguished jurists during the 141 years of its existence. However, Will County has had only two Appellate Court Judges, namely the late Dorrance Dibell who also held the office of



Thomas Ford was chosen a member of the Illinois Supreme Court in 1841. He later was elected Governor of Illinois.

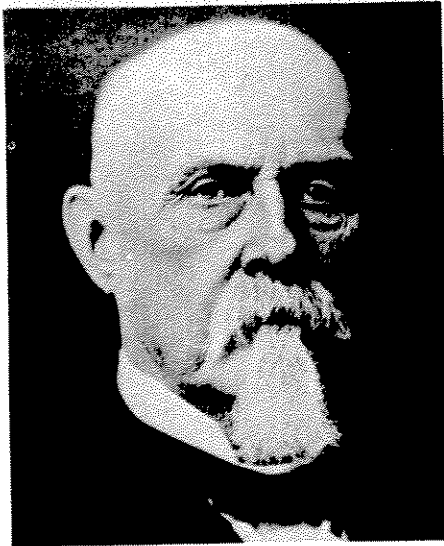
## WILL (cont.)

Circuit Judge longer than any other Will County Judge (1885-1921), and the late James V. Bartley.

Also, one member of the Will County Bar attained the office of Attorney General of the State of Illinois. Edward C. Akin served as State's Attorney of Will County from 1888-1896. In 1896 he was elected Attorney General and served for one term.

Another distinguished member of the Will County Bar, Thomas F. Donovan, held the office of Lieutenant-Governor of the State of Illinois from 1932 to 1936. Mr. Donovan was well known for his prodigious memory on two subjects; the law and baseball.

The late Richard J. Barr is believed to have held office in the State Legislature longer than anyone in the state. He served in the Illinois Senate from 1903 to 1950. He represented the 41st District, which at the time was composed of Will and DuPage Counties. During his long tenure in office, Senator Barr was at times both Ma-



Dorrance Dibell, who held the office of Circuit Judge from 1885 to 1921, longer than any other judge in Will County. He also was an Appellate Judge.

jority Leader and President Pro Tem of the Illinois Senate. A statue in the state capitol building memorializes Mr. Barr's services to the state.

In the lower house of the Illinois General Assembly the late Michael H. Hennebry served from 1913 to 1935. Also, the present Dean of the Will County trial bar, Francis J. Loughran (who is still trying law suits at age 79), served in the House of Representatives from 1955 to 1966.

Under the Constitution of 1818 Judges were elected by the General Assembly to "hold their offices during good behavior". Judges so elected by the General Assembly were not necessarily residents of the Judicial Circuit to which they were assigned.

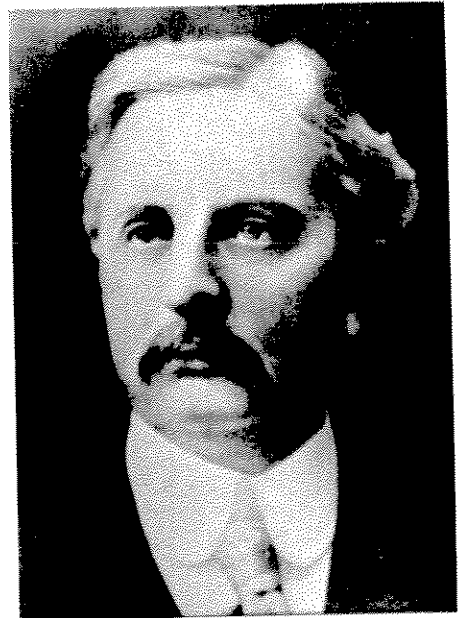
The first General Assembly of the State of Illinois in 1819 enacted legislation establishing a Circuit Court in each County of the State.

The Constitution of 1848 (Act V, paragraph 1) provided for the election of a Circuit Judge in each Judicial Circuit for a term of six years, by the "qualified electors" of the Circuit. Subsequent Constitutions have continued election of Circuit Judges by the electors of the Circuit.

Thereafter, at an election held in November of 1849, the Honorable Hugh Henderson was the first Will County lawyer to be elected as Circuit Judge. Judge Henderson had been a delegate to the Constitutional convention of 1847.

Many fine lawyers have served the people of Will County in the following elective offices: Lieutenant-Governor; Attorney General; Congressmen; Judges, Circuit, County, Probate and Associate; State's Attorneys; State Senators and Representatives in the General Assembly. The names and terms of office of all such individuals will be found in the addendum to this paper.

The Constitution of 1848 made provision for one County Judge in each county. At an election held on November 6, 1849 the Hon. G. D. A.



Edward C. Akin, Attorney General of Illinois 1897 to 1901.

Parks was elected as Will County's first County Judge. Judge Parks also served as a Representative in the General Assembly in the 18th and 19th Sessions (1853-1856) and in the Illinois Senate in the 20th and 21st Sessions (1857-1860).

The Cowings, father and sons, held the office of County Judge for forty-four years out of the 116 years (1848 to 1964) that County Courts were in existence in Illinois. The father, George J. Cowing, held office from 1906 to 1926. His older son, Glenn G. Cowing, served from 1938 to 1946, and his younger son, John C. Cowing, held the office from 1946 to 1962.

The Constitution of 1870, Article VI, Paragraph 20, authorized the General Assembly to provide for the establishment of a Probate Court in each county having a population of over 50,000. The General Assembly enacted "An Act to establish Probate Courts in all counties having a population of seventy-thousand (70,000) or more" (July 1, 1877).

Will County's population first reached the prescribed level of 70,000 by the census of 1900 which gave

Will County a population of 74,764. At an election held on November 4, 1902 the Honorable John B. Fithian was elected as Will County's first Probate Judge.

Until 1845 Prosecuting Attorneys were appointed by the Judge of the Circuit Court. In 1845 the legislature enacted a law providing for the election by the General Assembly of one Circuit Attorney in each Judicial Circuit.

Chapter 28 of Article IV of the Constitution of 1848 provided for the election in each of the Judicial Circuits by the qualified voters therein of one State's Attorney for the term of four years.

Section 22 of Article VI of the Constitution of 1870 provided for the election of a State's Attorney in and for each county, for a term of four years in lieu of the State's Attorney provided for by the Constitution of 1848.

Since State's Attorneys have been elected, only four have held the office for three terms. They were as follows:

William D. Heise .....	1896-1908
Robert W. Martin .....	1912-1924
James E. Burke .....	1936-1948
Frank H. Masters Jr. ....	1952-1964



John B. Fithian was elected Will County's first Probate Judge.

The legal population of Will County, from an obviously small beginning, remained relatively constant for a forty year period, from 1910 to 1950. The legal census of the county, as ascertained from county directories and telephone books, has been as follows:

1836 — 7	1920 — 78
1855 — 14	1930 — 80
1865 — 19	1940 — 99
1875 — 30	1950 — 100
1890 — 44	1960 — 125
1900 — 68	1970 — 171
1910 — 74	1975 — 207
1976 — 215	

Surprisingly, the ratio of Will County lawyers available to serve the citizens of the County has increased since the mid-nineteenth century, e.g., in 1860 the population of Will County was 29,321 with approximately 16 lawyers practicing in the county — result, one lawyer for every 1832.50 citizens. The population of Will County by the 1970 census, was 247,825; Will County lawyers practicing in 1970, 161; result, one lawyer for every 1449.25 citizens.

As to the distaff side of the legal profession it appears that in the 141 years that law has been practiced in Will County there have been only four Portias at the bar. Presently three women are licensed attorneys practicing in Will County and are held in high esteem by their male fellow brothers. The first woman lawyer in Will County was Lettie Lavilla Burlingame. She was a person of competence and intelligence. She attended the Law School at the University of Michigan graduating in 1886, and was poet of her class. According to the reports of her day she was credited with winning almost all of the cases entrusted to her, much to the chagrin and surprise of her male counterparts who were not accustomed to seeing the profession invaded by a woman.

The advent of the telephone in Joliet in the 1880's was responsible for changing the relationship between lawyers, i.e. it greatly diminished the need for personal contacts between



George G. Cowing served as Will County Judge from 1906 to 1926.

lawyers and the use of messengers between offices. An early "by-stander's report" as to the use of one of the first telephones in an older lawyer's office records the following:

A young lawyer being present in an old lawyer's office, heard the old lawyer's telephone ring and ring and ring again. The young lawyer thought the old lawyer did not hear the ringing and so inquired. The old lawyer replied,

"Young man, I had that thing put in for my convenience, not the convenience of others."

The Will County Bar Association had apparently been in a rather formless existence for many years. However, in 1900 the "Joliet Bar Association" was incorporated. An interesting article by a noted Will County Lawyer, John H. Garnsey, appeared in a publication called "Come to Joliet". It was published by the Joliet Business Men's Association and records the establishment of the Joliet Bar Association along with the stated reasons for bringing it into existence. It reads:

#### JOLIET BAR ASSOCIATION

For a number of years the Bar of Will County has realized the need for an organization. Many social duties fall to the lot of the members of the legal profession, and there has been no



## WILL (cont.)

organized body to take united action. Of late the "Will County Bar Association" has acted, but it was an inchoate body, totally without head, was called only, and made no efforts in the direction of protection for the profession.

During the past year it has become evident that the Bar of Will County, and more specially that of Joliet, needed to protect itself, inside as well as outside, from baneful influences. The need for a practical working body became a crying one; various matters in the legal profession here needed attention; certain abuses needed correction, and so a number of representative lawyers met in Garnsey & Knox's office on June 16, 1900, to consider the questions of organization.

With the writer in the chair, and Hon. J. B. Mecham, as secretary pro tem, a constitution was adopted, and the organization was effected. The Association under the name of "The Joliet Bar Association" was immediately incorporated, and its membership enrolled.

The objects, as stated in its charter, are "to aid in the maintenance of the honor and dignity of the profession of the law, and the due administration of justice." In pursuance of these objects, various active committees were appointed by President Hill, all of which at once set to work.

The members of any profession are equally unfortunate in that the odium which may attach to and the corruption which may exude from any one member thereof is spread by public prejudice on every individual in the profession, unless an organized resistance is made by a united body. Hence this organization.

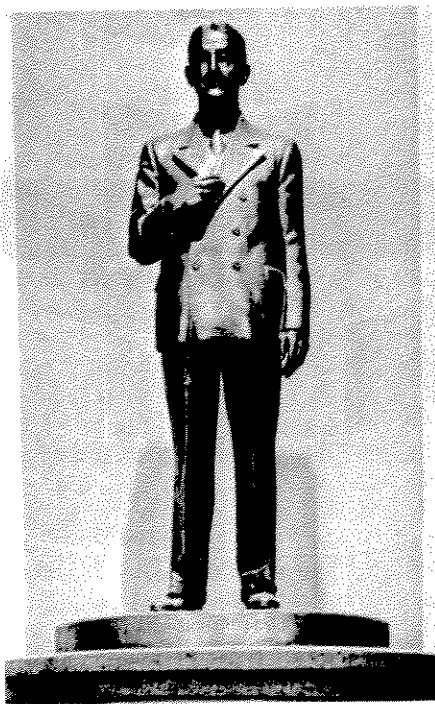
Another object will be formation of a reference library for use of members, located in some convenient place, preferably in the Courthouse, if space can be found there. The convenience of such an institution is obvious when a group of attorneys is seen, laden with books, entering the Courthouse after having, in some cases, "toted" their books a block. I have seen a wagon-load of books carried into the Circuit Court room from various offices, seventy-five per cent of which were books which would be found in such a library as the Association desires to establish.

John H. Garnsey

The records of the Secretary of State's Office show that the Joliet Bar Association was dissolved at some time prior to 1930; the exact date is not recorded. The Will County Bar Association has never been incorporated. It is interesting to note that at the 1906 Convention of the Illinois State Bar Association, Will County was represented by the "Joliet Bar Association", whereas at the 1908 Convention, Will County was represented by the "Will County Bar Association". Due to a lack of recorded data, much of past activities of both organizations are lost.

The Will County Law Library envisioned by the founders of the Joliet Bar Association did not come into existence until fifty years later. The Will County Law Library Association was incorporated as a non-profit corporation in January, 1950.

The first library room was main-



Richard J. Barr of the Will County Bar is believed to have held office in the state legislature longer than any other person. He served in the Illinois Senate from 1903 to 1950. His statue, as shown above, is located inside the state capitol.

tained in the old Courthouse. The National Reporter System, consisting of Northeastern, Northwestern, etc. reports had previously been maintained in the office of Donovan, Bray and Gray by various lawyers and law firms. These volumes were all loaned on trust receipts to the Will County Law Library Association as a nucleus of the first library. The initial dues for members was \$25.00 per year. Dues were subsequently charged at the rate of \$15.00 per year until the enactment of the County Law Libraries Act (Ill. Rev. Statutes, Ch. 81 paragraph 81) in 1961. Since that date the library has been supported by the \$1.00 fee collected by the Circuit Clerk in connection with the filing of civil cases. The officers of the Will County Law Library Association now act as the library committee of the Circuit Court.

In 1970 all the volumes loaned were appraised and thereafter the contributors or heirs of the contributors voluntarily agreed to accept 60% of the appraised value in satisfaction of their trust receipts. On May 7, 1973, by Order of the Circuit Court, the payments were directed to be made from the library fund.

The present Will County Law Library is maintained in the new County Building. It is very extensive and has a full time librarian who is paid by the County.

A few instances of organized activity in the Bar are found in local newspapers of the past. It is recorded that on February 28, 1900 members of the Joliet Bar Association attended a banquet given by The Chicago Bar Association. The first composite group pictures of the Bar were taken in 1905, 1938, 1958 and 1968. According to one of the older members of the Bar, at the annual meeting of the Joliet Bar Association in 1918, it appears that the principal subject of discussion was as to whether secretaries in local law firms should be allowed to leave work at noon on Saturdays. It would appear that with the support





W. Robert Blair, Speaker of the Illinois House in the 77th and 78th General Assemblies. He was a member of the House from 1964 to 1974.

of the younger lawyers, the ladies were granted Saturday afternoons off.

Speaking of the lack of recorded data, the following excerpt from the minutes of a Bar Association meeting of June 16, 1950 is pertinent:

"The Chairman announced that certain Will County Bar Association minutes and records concerning its activities in past years were missing and as yet had not been located." It was resolved that the Secretary should make further efforts to locate these missing records."

At the present writing the Secretary is still "looking".

Of passing interest at the time, on January 20, 1930, the Will County Bar Association was addressed by Dr. John Wu, Chief Justice of the Court of Claims of Shanghai, China on "General Tendencies in Modern Chinese Law". There has apparently been no follow up research by the local bar on this subject.

An achievement to which the Will County Bar can point with pride is the fostering of the Will County Legal Assistance Program. The matter had been the subject of debate and discussions at annual Bar Association meetings as early as 1948. Numerous plans and programs were discussed

and debated over the years; including among others, to assign the task of legal aid to younger lawyers for a minimal fee to be paid by the Bar Association. None proved to be successful or acceptable to indigent citizens seeking legal aid.

The Will County Legal Assistance Program, by resolution of the Will County Bar, began operations in March of 1973. It was instituted for the purpose of providing general legal services to the poor of Will County. The first attorney for the program was hired in 1973. At the present time three attorneys are employed in the office. The Program Office currently is serving about 200 people a month. The most common types of cases handled by the project are consumer, landlord and tenant, welfare law and family law cases. The program is presently funded through the local Community Action Agency (85%) and the Will County Bar Association (15%).

For many years, insofar as the existing records reveal and the memories of the older members of the Bar relate, the only activities of the Will County Bar Association consisted of an annual meeting and picnic. The annual meetings were held in the Circuit Court room, and dominated by the Chief Circuit Judge (in fact the only Circuit Judge) who was frequently challenged by an able Irish member of the Bar, both of whom were usually well endowed with spirits.

Despite the limited activities as set forth above, the Bar of Will County has always been faithful to its departed members who have been honored by numerous memorial resolutions presented in open court and spread of record upon the docket of the court. Additionally, upon three occasions, 1947, 1952 and 1963, testimonial dinners were given by the Will County Bar Association honoring Jubilarians who had been admitted to the practice fifty years or more.

In recent years the activities of the Will County Bar Association have proceeded at a much more productive pace. Since 1967 regular monthly luncheon meetings have been held, with an individual lawyer or law firm being responsible for presenting a speaker or program.

Since February 17, 1967 a monthly Will County Bar Association Bulletin has been published giving pertinent Bar news and Court Calendars. Public service activities have increased greatly, including in depth participation in Law Day Programs in the schools of the County, participation as tellers in School Union elections, and other related and civic programs. Annual programs have expanded from the customary picnics, to a golf day, a family outing, a ladies night, and an annual "Law Day" dinner.

The most recent of such dinners was held on April 21, 1976 at which the Honorable William Simon, Secretary of the Treasury of the United States, was the speaker.

It is the hope of all members of the Will County Bar Association that the Bar of the County will continue to improve in expertise and competency in the practice of their profession and their service to the public.



Thomas F. Donovan, Lieutenant Governor from 1932 to 1936.

## WILL (cont.)

### ADDENDUM

#### LIEUTENANT-GOVERNOR

Thomas F. Donovan .....1932-1936

#### ATTORNEY-GENERAL

Edmund C. Akin .....1896-1900

#### U.S. CONGRESSMEN

Jesse O. Norton .....1853-1857  
1863-1865  
Henry Snapp .....1871-1873  
Charles A. Hill .....1889-1891  
Howard M. Snapp .....1903-1911  
George M. O'Brien .....1973-

#### CIRCUIT JUDGES

Hugh Henderson .....1849-1854  
S. W. Randall .....1854-1856  
Jessie O. Norton .....1857-1861  
Sidney W. Harris .....1861-1866  
Josiah McRoberts .....1866-1885  
Francis Goodspeed .....1877-1883  
George W. Stipp .....1879-1897  
Charles Blanchard .....1883-1897  
Dorrance Dibell .....1885-1921  
Albert O. Marshall .....1905-1909  
Frederick A. Hill .....1922-1933  
Edwin L. Wilson .....1933-1939  
James V. Bartley .....1939-1965  
James W. Barr .....1963-1964  
Michael A. Orenic .....1964-  
Robert E. Higgins .....1966-1976  
Stewart C. Hutchinson .....1971-1975  
Angelo F. Pistilli .....1971-  
Thomas W. Vinson .....1972-1975  
Robert R. Buchar .....1975-  
Charles Connor .....1976-

#### COUNTY JUDGES

G. D. A. Parks .....1849-1857  
O. L. Hawley .....1857-1861  
Charles K. Weeks .....1861-1865  
David Willard .....1865-1873  
Benjamin Olin .....1873-1882  
1890-1894  
Charles D. Garnsey .....1882-1890  
1903-1905  
Albert O. Marshall .....1894-1902  
Dwight C. Haven .....1902-1906  
George J. Cowing .....1906-1926  
Ralph Austin .....1926-1934  
George N. Blatt .....1934-1938  
Glen J. Cowing .....1938-1946  
John C. Cowing .....1946-1962

#### PROBATE JUDGES

John B. Fithian .....1902-1918  
Samuel J. Drew .....1918-1926  
Fred R. Adams .....1926-1934  
1938-1954  
William E. Austin .....1934-1938  
Stewart C. Hutchinson .....1954-1964

#### ASSOCIATE JUDGES

Stewart C. Hutchison .....1964-1971  
Angelo F. Pistilli .....1964-1971  
John Jaworski .....1970-1971  
John C. Lang .....1965-1971  
Robert R. Buchar .....1965-1975  
Charles Connor .....1965-1976  
John F. Gnadinger .....1965-  
Emil DiLorenzo .....1965-  
John Verkian .....1967-  
Thomas P. Faulkner .....1971-  
Thomas W. Vinson .....1975-  
Michael H. Lyons .....1975-

#### STATE'S ATTORNEYS

Uri Osgood .....1836-1838  
William A. Boardman .....1845-1848  
Frederick A. Bartelson .....1856-1860  
Henry Logan .....1860-1864  
Sylvester W. Munn .....1864-1868  
Charles A. Hill .....1868-1872  
Edward C. Hager .....1872-1876  
James R. Flanders .....1876-1880  
Cyrus W. Brown .....1880-1884  
Daniel F. Higgins .....1884-1888  
Edward C. Akin .....1888-1896  
Atty. Gen. 1896-1900  
William D. Heise .....1896-1908  
George A. Barr .....1908-1912  
Robert W. Martin .....1912-1924  
Hjalmer Rehn .....1924-1932  
William R. McCabe .....1932-1936

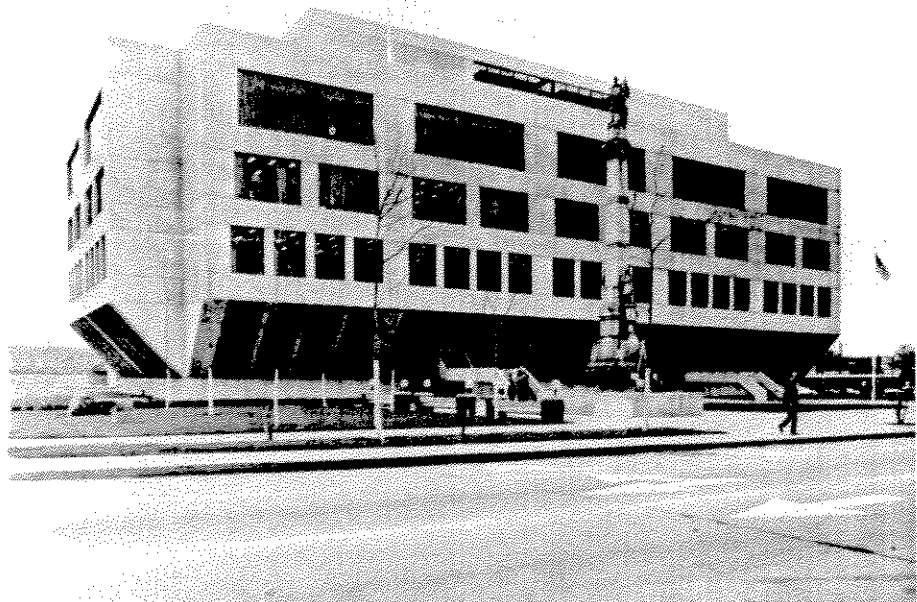
James E. Burke .....1936-1948  
John I. Pearce .....1948-1952  
Frank H. Masters Jr. ....1952-1964  
George E. Sangmeister .....1964-1968  
Louis R. Bertani .....1968-1972  
Martin Rudman .....1972-1976

#### STATE SENATORS

Uri Osgood .....1853-1856  
G. D. A. Parks .....1857-1860  
Henry Snapp .....1869-1872  
Albert D. Marshall .....1875-1878  
Sylvester W. Munn .....1879-1882  
Richard J. Barr .....1903-1950

#### STATE REPRESENTATIVES

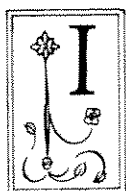
William E. Little .....1846-1859  
G. D. A. Parks .....1855-1856  
William Mooney .....1875-1876  
1889-1890  
Samuel J. Drew .....1899-1904  
Bernard L. Kelly .....1911-1912  
Michael H. Hennebry .....1913-1936  
J. Harold Downey .....1945-1954  
Francis J. Loughran .....1955-1966  
W. Robert Blair .....1964-1974  
Speaker of the House  
77th & 78th General Assemblies  
George M. O'Brien .....1971-1972  
Harry D. Leinenweber .....1972-  
George E. Sangmeister .....1972-



The Will County Courthouse at Joliet.

# WINNEBAGO COUNTY BAR

THE WINNEBAGO COUNTY BAR,  
ORGANIZED SEVENTY YEARS AGO,  
PROVIDED THREE PRESIDENTS FOR THE ISBA\*



IN 1837 when downtown Rockford was an intersection of dirt roads, the first court session was convened in the home of Daniel Haight, one of Rockford's first settlers.

That same year John Kemble opened the first law office in Rockford. It was reported by a chronicler of Rockford's early history, that Winnebago County's first lawyer became insane within three years of the opening of his law office and died in 1840 in an eastern asylum. The second resident lawyer fared better. Jacob (Old Jake) Miller garnered a measure of fame as a fiery orator in support of the Whig presidential campaign of 1840.

One year after the first court session, a special building was erected, apparently with no particular concern for separation of Church and State, because the announced purpose of the building was for use as a courthouse and for religious purposes.

Other firsts in the annals of the Winnebago County Bar occurred around 1870, when William Brown became the county's first resident Circuit Judge, and Benjamin Sheldon was elected from the First Judicial Circuit to the Supreme Court of Illinois, presiding as Chief Justice in 1877.

In the 1870's, Miss Alta Hulett became the first woman to practice law in Winnebago County. At the time of her admission on June 6, 1873 she was 18 years old and a recent graduate of East Side High School. Initially, Miss Hulett was prohibited from practicing law, but a group of Rockford lawyers, led by John Early, father of Albert

D. Early, prepared a special act and procured its passage by the legislature, admitting her to practice.

Miss Hulett was the first woman admitted to practice in Illinois. Ada H. Kepley, Effingham, admitted Jan. 13, 1881, is believed to have been the second woman lawyer in Illinois.

The Winnebago County Bar Association began organization in 1906. At a meeting of local lawyers called to honor retiring Judge Bailey, a committee was appointed to formulate a set of by-laws for the association. On February 9, 1907, the first meeting of the Winnebago County Bar Association was held, a constitution and by-laws were adopted and trustees and officers were elected.

The first years of the formally organized bar association were characterized by infrequent meetings, much to the displeasure of the young turks among the lawyers who informally banded together in an organization known as the Bar Flies. The modus operandi of the Bar Flies was to invite themselves to the home of an older and more affluent member of the bar for an evening of food and frolic. The tendency toward insanity and fun loving frolic already noted was later to manifest itself in the institution known as the Winnebago County Bar Clam Bake, an annual event which started in 1945.

The Winnebago County Bar apparently had no representation among the founders of the Illinois State Bar, but did participate in the obtaining of the State Bar's first corporate charter. Attorney Albert D. Early was among the incorporators in 1916 and served as President of the State Bar in 1916-

17. Other State Bar Presidents from Winnebago County have been William D. Knight in 1938-39 and Karl C. Williams in 1954-55. Attorney Williams also served as treasurer of the American Bar Association from 1972 through 1975.

The Honorable Charles H. Davis, retired Justice of the Illinois Supreme Court, a warm and friendly man and a conscientious and talented judge, served on the Supreme Court from 1955 to 1960, and again from 1970 to September 30, 1975, the date of his retirement. Justice Davis served as Chief Justice during 1957 and 1958. Judge Davis died on February 22, 1976.

In terms of community service the Winnebago County Bar has been active and in some areas has assumed state-wide leadership. In 1938, a Legal Aid Clinic was formed to provide legal aid to the indigent, and in 1964, a full time Legal Aid office was opened. Originally, this program was supported solely by the Bar Association. Today it employs three lawyers and one paralegal full time. It is funded as a United Way Services Inc. Agency and by minimal fees charged to its users.

By 1951, the activities of the Bar Association necessitated the hiring of a part time executive secretary and in August of 1959, the Bar Association opened an office with a full time executive secretary, becoming one of the

\* This article was prepared by a special committee of the Winnebago County Bar Association consisting of the following: Judge Robert C. Gill, Eugene Brassfield, William Collins, David Connolly, Stanley Guyer, Bruce Jacobson, Phillip Johnson, William D. Knight, Carroll Nelson, Frank North, Russell Smith, and John Snively.

## WINNEBAGO (cont.)

first downstate associations to furnish the services of a full time secretary to the organized bar. Since 1952, the Association has been publishing a monthly news letter sent to all county lawyers, furnishing court calendars, reports of executive committee meetings, listing of new members, letters from the president, and general information useful to lawyers.

A Speakers Bureau was first organized in 1954, to furnish lawyers to speak without charge to organizations that wish to learn about the legal profession or about pending legislation or other law-related subject.

Each monthly meeting of the Bar Association features a speaker or a panel of speakers procured by the Continuing Legal Education Committee to help keep the Association members abreast of the current developments in the profession.

In 1960, Law Day observance was inaugurated in Winnebago County, and in 1972, the continuing efforts of the Law Day Committee were re-

warded with the receipt of the American Bar Association Award of Merit for a unique and outstanding bar association project. This project consisted of sending 120 volunteer lawyers into the junior, middle and senior high schools of the community to spend the day talking to the students and, more importantly, listening to and answering their questions about law, the legal profession and the courts. More than 16,000 students were directly involved in this program.

To further carry on the program of bringing the law to the classroom, the Winnebago County Bar Association has cooperated enthusiastically with the Law in American Society Foundation's program for Law Focused Education in the schools. Commencing in 1973, with eight teachers who attended a summer study session designed to teach teachers the fundamentals of the American system of Jurisprudence, this program in Rockford has expanded to the point that today over one hundred trained teachers are introducing their students to our legal system by use of the case book

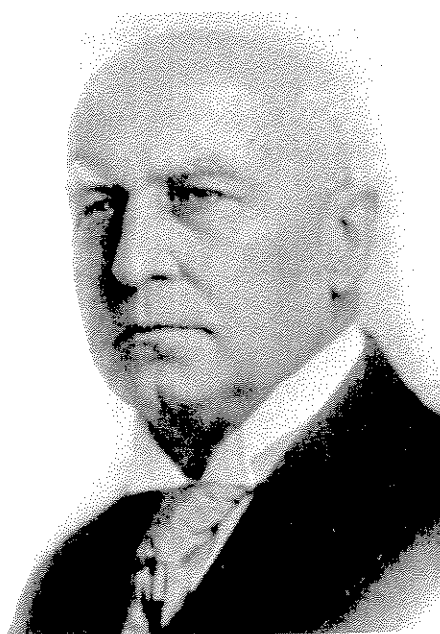
method of instruction, mock trials, both in the class room and in the court rooms, by viewing actual trials and by having members of the Bar Association speak on subjects selected by the students and teachers.

For the second year, the Continuing Legal Education Committee of the Winnebago County Bar is conducting an eleven week course run by local lawyers for local lawyers. This past year's course provided an in-depth examination of Civil Trial Practice. Each weekly session lasted two hours and emphasized the practical "How to Do It" approach, from the initial client conference, through investigation, discovery, pleadings and trial.

In conclusion, it was noted in preparing this brief history, that sometime in 1943, the then Circuit Judge met with members of the Winnebago County Bar Association to discuss pre-trial procedure. It was also noted recently that the present Chief Circuit Judge met with members of the Winnebago County Bar Association to discuss pre-trial procedure.

Some things do take time.

ATA



Albert D. Early, Rockford, President of the Illinois State Bar Association in 1916-17.



William D. Knight, Rockford, President of the Illinois State Bar Association in 1938-39.



Karl C. Williams, Rockford, President of the Illinois State Bar Association in 1954-55.



Charles H. Davis, Rockford, a member of the Illinois Supreme Court from 1955 to 1960 and 1969 to 1975. He was Chief Justice in 1957-58.



A scene at a Winnebago County Bar Association Clambake.



John Snively, Rockford, a veteran member of Winnebago County Bar Association and one time member of the ISBA Board of Governors.



Winnebago County Courthouse at Rockford.

# CATHOLIC LAWYERS GUILD OF CHICAGO

CATHOLIC LAWYERS GUILD OF CHICAGO  
WAS ORGANIZED IN 1934  
TO PROMOTE LEGAL AND CHRISTIAN PRINCIPLES

By PATRICIA E. MULLIN\*



THE Catholic Lawyers Guild of Chicago was organized in 1934 by the Very Reverend Monsignor Edward V. Dailey to promote and uphold the standards of legal and Christian principles in the light of modern legal problems.

Monsignor Dailey was the spiritual director of the Guild from its inception until he resigned in 1964. He was also Editor-in-Chief of the Guild's newsletter.

The following portion of the By-laws of the Catholic Lawyers Guild of Chicago, Article I, enumerates the objectives for which the Guild was organized:

"ARTICLE I. *Objects.* Under the direction of the Ordinary of the Archdiocese of Chicago, who is the Ecclesiastical Authority of the Guild and its patron and supervisor, the objects shall be:

- (1) To promote the social, intellectual, temporal and spiritual welfare of its members.
- (2) In general, to promote the study, by Catholic lawyers, of the application of Christian principles to modern problems.
- (3) To uphold the highest standards and best traditions of the legal profession in America.
- (4) To be of assistance to the Archdiocese of Chicago and to the clergy in general in an advisory capacity in matters of pending legislation, state and national.
- (5) To promote a study of Canon

Law in relation to marriage, and to discourage the institution in civil courts of proceedings which contravene Christian morality, especially of unjustified divorce proceedings.

- (6) To promote a study of local charitable institutions, of their purposes and needs, and of the law relating to charitable bequests, with a view to encouraging such bequests.
- (7) To enlist the aid of all Catholic members of the bar through frequent reception of the Sacraments to bind them more closely in the pursuit of these ends."

Membership in the Guild is open to Catholic members of the legal profession, and at the present time numbers several hundred Catholic lawyers in the Chicago area, including judges and public officials.

Throughout the year the Guild sponsors luncheon meetings at which speakers discuss topics of current legal and religious interests.

The Guild has given scholarships to Catholic law schools.

In the fall of the year, the Guild sponsors the Annual Red Mass at the Holy Name Cathedral in honor of St. Thomas More and St. Ives, patron saints of the legal profession, to mark the opening of the law courts, and to ask for divine guidance in the proper representation of clients and in the proper administration of justice in the courts and in public offices.

Each year the Guild honors an individual for his outstanding contribution

as a Catholic lawyer. The following is a list of those honored:

Michael Igoe, Judge, U.S. District Court, Northern District of Illinois  
William J. Campbell, Senior Judge, U.S. District Court, Northern District of Illinois  
Edward V. Hanrahan, Cook County States' Attorney  
Richard J. Daley, Mayor of the City of Chicago  
John S. Boyle, Chief Judge, Circuit Court of Cook County  
Daniel P. Ward, Justice, Supreme Court of the State of Illinois  
Robert J. Dunne, Presiding Judge, Probate Division, Circuit Court of Cook County  
Neil Hartigan, Lieutenant Governor of the State of Illinois  
Joseph A. Power, Presiding Judge, Criminal Division, Circuit Court of Cook County  
Thomas M. Tully, Cook County Assessor.  
Morgan F. Murphy, United States Congressman, Illinois, 2nd District

The first meeting of the members of the Catholic Lawyers Guild, Incorporated, was held on Monday, October 29, 1945. Mr. William H. Sexton, K.S.G., was President and had been President from the first year that the Guild met in 1934 through its incorporation until 1954. The following is the list of persons who succeeded Mr. Sexton as President:

Edward R. Tiedebohl ..... 1954-1956  
William E. Cahill, K.S.G. ... 1957-1959  
Lee Gary ..... 1960-1962  
Harold T. Halfpenny ..... 1963-1965  
Judge Charles P. Horan ..... 1966-1968  
Charles J. Gallagher ..... 1969-1970  
Warren J. Hickey ..... 1971-1972  
Gerald S. Sbarboro ..... 1973-1974  
Judge Arthur L. Dunne ..... 1975-1976

\* Of Chicago, Secretary of the Catholic Lawyers Guild of Chicago.



The Guild offers its legal service in an advisory capacity to the Archdiocese of Chicago with respect to any problems which may occur of a current nature. An example of this was work done by certain members of the Guild in researching the tax-free status of real estate owned by the Church.

One of the rewarding activities of the Catholic Lawyers Guild is the legal assistance volunteered by members to the various Catholic agencies in the Archdiocese. 1962 was a record year, more than 500 cases were handled to completion. The Cardinal's Committee for Spanish Speaking People, Catholic Charities office, Council of Catholic Women, individual parishes, and many other agencies rely on the Guild for assistance in a varied assortment of legal problems, especially in relation to marriage and matters with a religious implication. In response to Cardinal Stritch's Spanish Speaking People's Program, the Guild maintained four offices in different areas of the city with members donating two nights a week to help these people with their legal problems. Now all cases are referred to the Guild after the offices to which the requests are made have satisfied themselves that these people are in financial need; requests must be made through the offices and not directly to the Guild.

Some of the other significant events in the Guild's history are as follows:

January, 1951 — Miss Lillian Grier, a nurse, presented to the Guild a framed picture of St. Ives' window in the Cathedral in France. It was a part of Dean Wigmore's collection.

September, 1953 — The American Bar Association invited the Guild to participate in its convention beginning August 16, 1954, by making the Red Mass a part of the convention proceedings. The 20th Anniversary of the Red Mass was said as a part of the 76th Convention of the American Bar Association on August 15, 1954.

February, 1954 — Preparations were made for a series of four lectures covering the general subject "The Catholic Lawyer's Defense of Man." The first lecture was scheduled on March 22nd with his Eminence Samuel Cardinal Stritch, Archbishop of Chicago, as the speaker; the second on April 6th with the Very Reverend John S. Quinn; the third with the Very Reverend Monsignor Edward M. Burke.

The annual Lawyer's Retreat is held usually on Palm Sunday of each year, at the University of Notre Dame, South Bend, Indiana. The female members attend a retreat about the same time at The Cenacle, Chicago, Illinois.

May, 1958 — At the request of the Forensic League of Chicago the

Guild provided 48 judges for debates to be held on the question, "Resolve That U.S. Foreign Aid Should Be Supplemented."

May, 1958 — The Guild attended a Mass at St. Peter's Church as a tribute to the canonization of St. Thomas More.

The staff of the Chancery Office presented a mock trial in the Ecclesiastical Tribunal of the Archdiocese of Chicago.

Volume One, Number One of the Catholic Lawyer's Briefs was published.

October, 1958 — A Resolution was spread of record memorializing his Eminence, Samuel Cardinal Stritch, who had been summoned to Rome to take the post of Prefect of the Congregation of the Faith and there suf-



The Catholic Lawyers Guild of Chicago annually sponsors a "Red Mass" each fall. Shown is a procession at one of the masses.

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## CATHOLIC LAWYERS GUILD (cont.)

ferred a most untimely death on the 27th day of May, 1958.

October, 1963 — A theatre party was sponsored by the Guild for "A Man For All Seasons", St. Thomas More — Lord Chancellor of England . . . his legal-moral struggle with King Henry VIII.

May, 1964 — Monsignor John Quinn, Chief Judge of the Archdiocesan Matrimonial Tribunal and an expert on canon law, who actively participated in the work of the Ecclesiastical Council as Coordinator of the American Consultants, spoke before the Guild at a meeting at the Sherman House. He discussed the work of the Council in the critical areas of freedom of religion and liberty of conscience. The luncheon was also a testimonial for the founder and former chaplain, Monsignor Edward V. Dailey.

June, 1965 — A Resolution was passed by the Guild recognizing the right of persons to protest and to otherwise exercise their rights of free speech and free assembly, however, deploring and condemning demonstrations and protests which breach the peace and otherwise break down public order, and urging all persons that take part in demonstrations and protest to do so with full respect for the law and for the safety and welfare of our community and of our society. This Resolution was passed at a time when persons in Chicago were protesting the reappointment of Dr. Benjamin C. Willis as Superintendent of Schools in Chicago. A press release, incorporating the entire language of the Resolution was sent to and printed by Chicago newspapers.

The Guild reviewed and submitted comments on Lawyers Advise Program characterized by the title "Ministry of Legal Aid" to be offered by a volunteer group of lawyers under

the sponsorship of the Church Federation of Greater Chicago.

The President has always requested that as many members as possible participate in Law Day programs.

June, 1969 — A committee was appointed to draft a Resolution regarding activities of nuns and priests in public demonstrations thereby bringing disrespect upon the Church.

The Catholic Lawyers Guild of Chicago, in existence since 1934, and still a strong, viable organization, was the first such Guild in the United States. Under the leadership of President Edward R. Tiedebohl, at least eighteen such Guilds were organized in various cities in the country. The Guild's officers were invited as guests to the first Red Masses said in the cities of New York, Cleveland, Indianapolis, and San Francisco because of their assistance in organizing those Guilds.

The Guild recognizes its obligations under the Canon Law of the Catholic Church, the laws and regulations of the Archdiocese of Chicago, the directions given it by the Ordinary of the Archdiocese and operates under its Ecclesiastical Authority.



# COOK COUNTY BAR ASSOCIATION

COOK COUNTY BAR FOUNDED IN 1914  
TO PROMOTE WELFARE OF BLACK LAWYERS

By CHESTER L. BLAIR\*



THE Cook County Bar Association was founded in 1914 by a group of Black lawyers, spearheaded by Edward Wright. They felt the need to establish a vehicle for communication and interaction between Black lawyers who at that time were denied admission to established white bar associations because of race. Since its formation it has worked toward the maintenance of high professional standards in order to better serve the community.

A major achievement of the CCBA has been the encouragement of fair and nondiscriminatory procedures in the selection of judges. As a direct result, the Association was instrumental in the appointment of the Honorable James B. Parsons as the first Black judge to sit on the Federal District Court; and the nomination and appointment of the Honorable George N. Leighton to the Federal Judiciary.

The CCBA has other activities of which it is equally proud, for example, its free representation of Black activists who were arrested in connection with the civil rights' movement of the '60's. Another community commitment is its scholarship program. The CCBA, through its foundation, awards numerous scholarships to needy minority law students in Illinois.

Today the Association's membership approaches 400 and is rapidly expanding due to the increase in the number of young Black lawyers admitted to the Illinois Bar in recent years.



Judge George N. Leighton, Chicago, a judge of the U.S. District Court for the Northern District of Illinois.



Judge James B. Parsons, a Judge of the U.S. District Court for the Northern District of Illinois.

The officers of the association for 1976-1977 are: Walter Williams, President; Chester L. Blair, 1st Vice President and President Elect; Patricia Banks, 2nd Vice President; Arnette Hubbard, 3rd Vice President; Daniel S. Belliny, General Secretary; Anne L. Fredd, Financial Secretary; and Bertina Lampkin, Treasurer.

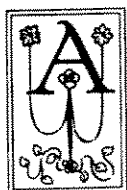


\* Of Chicago, 1st Vice President of Cook County Bar Association.

# DECALOGUE SOCIETY OF LAWYERS

ORGANIZED IN 1934, THE DECALOGUE SOCIETY  
OF LAWYERS CARRIES ON A TRADITION  
OF LEARNING AND CHARITY

By OSCAR M. NUDELMAN\*



AFTER more than forty years of outstanding service to our membership and to the community at large it is well to look into the original need for an organization such as ours as envisioned by our founders and to examine the record to determine whether the original aims and purposes and those which evolved with the passage of time have been accomplished and, if so, how well.

**I. THE ATMOSPHERE UNDER WHICH WE WERE ESTABLISHED.** Justification for an organization of Jewish professionals was always present and the reasons are as valid today as they ever were. However, the period of the nineteen thirties was exceptional. No matter how painful the memory is to some of us, it constitutes an important chapter in Jewish history, and should be at least touched upon as an important epoch. The events stirred many of our founders into the action of holding meetings, which resulted in the formation of the Decalogue Society of Lawyers, the name being emblematic of the Ten Commandments as they are known to and "accepted" by the whole world.

It was the period of Hitler's rise to power; it was the period of the "big lie" coming across the Atlantic; it was the time when many Americans were taken in and came to believe the Nazis' political contention that they saved Germany (and the world) from "Bolshevism" (as they preferred

to call it) and that Bolshevism was a Jewish creation; it was the period when some German-Americans organized the Bund and set up camps for military training near most large cities and boldly paraded with swastikas; it was the time when respected American organizations aided the German propaganda and some of them distributed their libelous books and others, individuals and groups, published their lies including the "Protocols of the Elders of Zion" which had long been refuted and discredited as a forgery by many authorities including a high court of Switzerland which entered heavy fines against the Nazis who had published it there.

It was the period when incipient American "hatelers" began to "feel their oats" and were sufficiently emboldened to have their anti-Semitism come to the surface and manifest itself in various ways.

It was a time when the Jewish lawyer and other professionals of the Jewish faith in the country began to feel insecure; it was a time to take some steps for self-protection.

## II. THE ORIGINAL MEETINGS.

It was in this atmosphere that a small group of Jewish lawyers in Chicago held five meetings between May 19 and June 14, 1934, under the chairmanship of the late Oscar S. Caplan, then an assistant to the Probate Judge of Cook County.

The minutes of these early meetings, so faithfully recorded by our loyal member Maurice M. Wasserman, are of the greatest interest be-

cause while the feeling was strong for an organization, there was nevertheless, considerable diversity of opinion as to its nature and purpose.

The minutes of the May 19th meeting disclose that it was a meeting of the West Town Lawyers Association already in existence as a corporate entity, although it was relatively unknown.

Judge Caplan explained that the object of that association was to uphold the standards of the legal profession, promote justice, inculcate friendly relations between the Jewish lawyers and those of other associations and among ourselves.

One lawyer cautioned against making the organization a racial one and advised that "prominent Jewish men of our profession be consulted to get their views." Another thought that we need not apologize "for being Jews nor for forming a Jewish lawyers association so long as we come within our legal rights." Another wanted an organization but insisted that it must be "non-political." Yet another made "an inspiring talk" and moved for an organization "to have our own functions in such manner that will not discredit us and not be antagonistic to other bar associations."

These and similar views were expressed at each succeeding meeting. To help us in our deliberations, Judge Weiss of the Municipal Court was invited and addressed the May 24th meeting and explained the nature and operations of the Bohemian Lawyers

\* Of Chicago, member of Decalogue Society of Lawyers.

Association. At the meeting of May 31st, the name Decalogue Society of Lawyers was adopted. It was the suggestion of the late Leonard Wissman.

The meeting of June 7th was addressed by two non-members. One was William D. Bauer of the Lawyers Legislative League who spoke about the work of that League and the other was John A. Cervenka, also of the Bohemian Lawyers Association, who added to our knowledge of the workings of that association. At this meeting we also continued to work on the several articles of the proposed constitution. And at this time the non-political nature of the Decalogue Society was definitely established by the following resolution proposed by I. Archer Levin and unanimously adopted: "Although it is the opinion of the members of this Society that no special provision be incorporated in the by-laws (constitution) of this organization, it is nevertheless the sense and sentiment of the members thereof that this Society should be and remain non-political and non-partisan in nature and activity, and that it should never be used for the benefit or advancement of any particular individual, political party or group," and this resolution has been strictly observed throughout the years.

On a more affirmative note, the founders felt that the Society should satisfy the following needs:

(A) A need for solidarity and more cordial relations among Jewish lawyers.

(B) A need for the joint solution of professional problems; a need for cooperation with worthwhile Jewish movements and organizations.

(C) A need to avoid the litigation of peculiarly Jewish controversies before official tribunals.

(D) The need to join with other minorities for the protection of rights and privileges.

(E) The need for the education of lawyers in the many new branches of practice.

(F) The need to raise the stan-

dards of the bar and to educate the public to a better understanding and appreciation of the function and status of the lawyer in a free society.

As a result of the recognition of these needs, the Constitution of the Society sets out its purposes as follows:

"The purposes of this organization are: to advance and improve the law, the administration of justice and the legal profession and to cooperate with other bar associations for the attainment of those objectives; to foster friendly relations and good will among its members, and between its members and other members of the bar, the courts, and the public; to cooperate as lawyers and citizens in worthy movements for the public welfare; to maintain vigilance against public practices which are anti-social or discriminatory; to foster the traditions and ideals of American democracy; to encourage and stimulate Jewish ideals and culture; to devote itself to those special problems the solution of which will bring increased dignity and honor to all members of the legal profession; to furnish legal aid to the indigent and the needy; to assist deserving members of the bar who may be in need of aid, to set apart and administer for all such purposes its own funds or funds received from others; to accept, create, maintain and administer funds and trusts for any use tending to further any of the purposes of this organization."

At the June 14th meeting it was determined not to amend the charter of the West Town Lawyers Association but to apply for an original charter to the Decalogue Society of Lawyers. An election was held and the following officers and members of the Board of Managers were elected:

Judge Oscar S. Caplan, President  
I. Archer Levin, 1st Vice President  
Oscar M. Nudelman, 2nd Vice President  
Maurice M. Wasserman, Financial Secretary  
Bernard J. Hecker, Recording Secretary

Abraham Johnson, Treasurer  
Max Biederman, Board of Managers  
Joseph Rosenstein, Board of Managers  
Max Luster, Board of Managers  
Albert L. Blumenfeld, Board of Managers  
Samuel L. Cohen, Board of Managers  
Harry Yale, Board of Managers  
Samuel L. Friedman, Board of Managers

III. EARLY PROBLEMS AND THEIR SOLUTIONS. Almost from the first day, the Society as such was confronted by problems.

(A) Prevalent propaganda caused the release of certain inhibitions and some characters allowed their inner feelings to surface. First there was the farmer-like old judge who thought of himself as a great story teller and he would employ every free moment on the bench to tell a "story." In 1934 it was reported to us by affidavit that he told from the bench the old canard about the fireman who claimed a partnership with Jewish businessmen and who when pressed to explain, said "You make the fires and I put them out." Knowing the reticence of individual lawyers to speak out when it might mean earning the displeasure of a judge, it is fair to say that without an organization such a story might have gone unchallenged. But because of the existence of the Decalogue, the old judge made a public apology and promised not to repeat this kind of story — and kept his promise.

(B) Soon after this incident we were shown a letter which had been sent by a non-Jewish personal injury lawyer to a non-Jewish person who had apparently considered employing him in a personal injury action but who, for reasons best known to himself, employed a Jewish law firm instead. The letter in question was written when the first lawyer discovered that he was not getting the retainer and upon learning to whom the matter had been entrusted, could not refrain from showing his disappointment by writing the hoped-for client and referring to the successful

## DECALOGUE SOCIETY OF LAWYERS (cont.)

Jewish firm as "those damn Jew lawyers." Here again only an organization could act successfully. This was done with the help of one of our Jewish judges who succeeded in obtaining an abject apology without too much publicity.

(C) In 1936 we were faced with a very serious question. Whether it was first suggested by The Chicago Bar Association or not, on October 6, 1936, we were told by one of our members, who was also active in The Chicago Bar Association, that he believed "that The Chicago Bar Association would be only too glad to comply with our wishes" if we would ask it to submit to us all complaints made against Jewish lawyers. Although one board member seemed receptive to the idea it was quickly abandoned because most members "questioned the desirability of our having anything to do with complaints made before The Chicago Bar Association against Jewish lawyers because such complaints should be handled no differently from complaints against Lawyers of other "faiths." No one regrets the action or lack of action in this respect. By resisting this temptation we avoided even the implication that Jewish lawyers constituted a problem group which required special treatment in this respect.

(D) By this time (1937-1938), the daily newspapers were permitting want ads for help to specify "gentile," "non-Jew," "Protestant", etc. Even our daily lawyers' paper, apparently inadvertently also allowed such conditions to be specified in ads for secretaries, law clerks and attorneys. Suffice it to say that without an organization to make representations this might have continued indefinitely. But with the force of our Society behind them our objections brought an end to this kind of discrimination

which has since come to be considered a violation of the Constitution.

(E) For years the bar examiners would occasionally schedule examinations part of which sometimes fell on Jewish holidays. Of course this was not done intentionally. As an organization we quickly obtained an agreement that we would be consulted before the scheduling of any examination. This went on for a short time until the examiners learned to consult Jewish calendars. Since then no examination has been so scheduled.

(F) At about this time an examination for psychologists or counsellors was scheduled by the Board of Education on a Saturday. An observant Jew applied to us for help. While we could not bring about a change in the date of the examination, we did persuade the Board to furnish the young man with a secretary so that he did not have to write the answers on the Sabbath. Of interest is the fact that this applicant passed his examination with flying colors and is now a high school principal.

(G) Early in our existence we spent considerable time and effort in organizing a Council of Local Bar Associations consisting of all the ethnic groups. We thought that such a Council could serve good purposes in unity and solidarity against any manifestation of Xenophobia. In several instances we were able to get good cooperation, particularly in emergency situations. And to this day our relationship with other groups is cordial and friendly and we know that we can count on them or most of them in important matters. The Council as such, however, was not permanent because most of these groups are oriented more to social activities than to other purposes.

(H) Early in 1946, just after the end of World War II, for reasons best known to its respective members, the Illinois Supreme Court promulgated Rule 59A prohibiting all Illinois lawyers from changing their names

on the roll of attorneys except where such name has been changed by marriage and even in such case requiring a petition, proof of such marriage and an order of this court. This was a rule which no one favored, least of all the ethnic societies, including the Decalogue. The Chicago Bar Association also opposed the rule but its solution consisted of a series of modifications which would have made a change of name proceeding into the proverbial "federal case." The Decalogue Society would have nothing less than a total repeal and that is what we accomplished with the aid of one of our expert members, Harry G. Fins.

### IV. INSTITUTIONS AND REGULAR ACTIVITIES.

Further research has led to a very pleasant discovery. The Society has from the very beginning and throughout the years established and maintained institutions and activities in full conformity with our Jewish traditions — without reference to and without need to argue the fact that such institutions and activities were traditionally Jewish. In other words, it was done almost instinctively, almost automatically — because we are Jews and these traditions are second nature to us.

Everyone knows that the love of learning is a strong Jewish tradition. Deservedly, Jews have been called the "people of the book." In this tradition, but without having such tradition affirmatively called to our attention, we can modestly boast of the following:

(A) We contributed toward and raised a fund of \$50,000.00 for the Hebrew University Law School the income of which is used by it to grant a graduate student a year of fellowship study, usually at an institution of higher learning in the United States. Each year the fellowship is named in honor of one of our members past or present.

(B) Next, not chronologically, but in importance is our law school schol-



arship plan, created, recently for six Chicago area law schools by providing for the raising (through our voluntary addition of dues and otherwise) of a sum of \$5,000.00 for each school and given to it with the understanding that the income is to be given annually by the school to a needy student, the scholarship to bear each year the name of a selected member of our Society present or past. So far three schools have received \$5,000.00 each and we are about to implement a fourth;

(C) Eight more of our institutions or activities are qualified to be listed under the head of "learning:"

1. The partial sponsorship of a book of Jewish content resulting from funds raised by appealing to a select group of our membership. Each individual contributor has received a copy of the book autographed by the author;

2. The Decalogue Foundation, a separate corporation not for profit, through which we have financed the purchase of law books for schools in Israel, sponsored essay contests on subjects related to law and Judaism and other similar educational efforts;

3. Our bi-weekly "bread and butter" lectures held in the Society's own headquarters and addressed by experts in the various fields of practice;

4. Publications in our Decalogue Journal of learned articles of lasting interest on important legal and other subjects including "Briefs and Abstracts" and, recently, of a series of capsules of Judaica under the heading "Traditions of Our People;"

5. In recent years we have sponsored and conducted a series of week-end institutes on Judaism which were enjoyed immensely by those who attended;

6. For sixteen years we sponsored and conducted Great Books discussions led by two of our past presidents, including in the last two of those years discussions of Great Jewish Books;

7. From time to time, we have sponsored and conducted forums on important topics;

8. Other activities directed at aiding the survival of Jews as such in a world which, if it does not, as stated in a recent article in a national journal, "want the Jews dead," is at least apathetic to our fate as evidenced many times in recent years.

To contribute even in small measure to such survival, it is important, we have learned, that our people be acquainted with our history, our traditions and our heritage. To this end we encourage such learning by all our activities including the Traditions series and the capsules delivered at our weekly meetings.

(D) Under the heading of charity, also undeniably a Jewish tradition, we established in 1942 a welfare fund with which to practice Judaism's highest form of charity, the kind which helps the recipient to become self-supporting — non-interest-bearing loans known as "gmilath Khasodim," acts of loving kindness. From this fund we have helped several of our members over rough spots — and no one knows their names.

We know that many of our members are active in synagogue and in many specific charitable organizations and we encourage generous giving to the Jewish United Fund and other charities. We have also sponsored and conducted annual Israel Bond dinners and have an enviable record in bond sales at such dinners and otherwise. Many of our members are active in their respective synagogues. Some are or were presidents. We try to create an atmosphere conducive to such activities.

(E) We have also encouraged the practice of Judaism, not necessarily the minutiae, but the broader and less controversial observances including, however, the dietary laws which we observe at our annual patriotic dinners. At those dinners, we make an award to an outstanding person. This

custom began in 1941 and now includes a very distinguished list of recipients.

(F) And speaking of patriotism, in recent years we have observed Law Day U.S.A. by feting a selected group of high school students both at the offices of some of our members or in the performance of their routines on that morning and at a luncheon addressed by an outstanding legal personality.

(G) In line with making our members' practice and routines easier we have already mentioned the bread and butter lectures. Moreover, we have group insurance plans, we supply our members the names of other member specialists in various fields of practice, we conduct an employment exchange; we conduct an annual golf outing conducive to the social amenities and a day in the open as well as an evening of dancing and sociability — and door prizes.

(H) We watch legislation to avoid discrimination against us, our people and all people, and to help in this respect we depend on some of our members in the state as well as the federal legislature.

V. THE SECOND GENERATION TAKES OVER. A very auspicious manifestation in our Society in recent years has been the gradual turn over of its governance to the second generation of membership. And here too it should be mentioned that it came not by a conscious movement but as a natural phenomenon. The time simply came for the younger members to take over and it happened. And speaking for the oldtimers, I can say that the new generation has not attempted what so often happens in organizations where the young take over, that is to "kick over the traces." Apparently they have found our traditions and institutions valid and have abided by the essentials as modified by some of their own excellent innovations.



# FEDERAL BAR ASSOCIATION

## THE CHICAGO CHAPTER IS A UNIQUE BLEND OF LAWYERS IN AND OUT OF FEDERAL SERVICE AND THOSE INTERESTED IN FEDERAL PRACTICE

By NATHAN P. OWEN And ARTHUR KLAYMAN\*



LATE in 1938, a group of 25 Chicago attorneys petitioned the Washington headquarters of the Federal Bar Association for permission to form a Chicago Chapter of the Association. Permission was granted and by April, 1940, the Chicago Chapter received its Charter.

Organized in 1920, the Federal Bar Association is both a national (actually international) and local association. Better than one-third of our 15,000 members are in the Washington, D.C. area making the FBA the nation's largest and most influential representative of attorneys in past or present federal service. Our membership includes attorneys from all branches of federal government including the executive, legislative, judicial, administrative, and military. Two-thirds of our members belong to 105 local chapters located throughout the United States, Europe and the Far East. More than 600 members reside in Chicago.

The Chicago Chapter has a very interesting history. Soon after its founding, the Chapter assisted the federal government in moving many federal offices to the Chicago area as part of a program to decentralize the seat of Government during World War II. Many of these transferred offices needed local legal staff and the Chicago Chapter helped to recruit local attorneys to fill these positions.

**PROMINENT FBA MEMBERS.**  
Over the years since World War II,

the Chicago Chapter has continued to grow in size and influence. Our membership roster includes former Illinois Governors Dwight H. Green, Otto Kerner, Richard B. Ogilvie, and Daniel Walker. Supreme Court Justices John Paul Stevens and Arthur Goldberg joined the Chicago Chapter as did the present Chief Justice of the Illinois Supreme Court, Daniel P. Ward.

Past Presidents of the Chicago Chapter include the Honorable Frank J. McCarr of the United States District Court for the Northern District of Illinois; the Honorable Lawrence Fisher, Chief Judge of the U.S. Bankruptcy Court; the Honorable Jack Arnold Welfeld, and the Honorable Marjan P. Staniec, both Associate Judges of the Circuit Court of Cook County. William G. Clark, former Illinois Attorney General and now Supreme Court Justice, is a member, as is current Illinois Attorney General William Scott. Presently, the First Vice-President of the Chicago Chapter is Attorney James R. Thompson, former United States Attorney and now Governor of the State of Illinois.

The Chicago Chapter roster also includes all of the judges of the U.S. District Court for the Northern District of Illinois as well as all of the judges for the Seventh Circuit Court of Appeals.

Three Presidents of the National FBA have been Attorney General of the United States. The Honorable Tom C. Clark, president in 1944-45, later became an Associate Justice of the Supreme Court. His son, Ramsey

Clark, was president in 1964-65 and became Attorney General the following year, and Attorney General Richard C. Kleindienst was president in 1972-73. Marguerite Rawalt, president in 1943-44, was the first woman to serve as the leader of a national bar association composed of both men and women. In Chicago, Mary Hazel Crawford was the first woman president in 1954-55 of a local bar association composed of both men and women.

### CHICAGO CHAPTER ACTIVITIES.

The Chicago Chapter is one of the more active of the FBA's local chapters. For a number of years, we have sponsored a luncheon program entitled "Current Issues and Controversies." Some of our recent speakers have been Newton Minow, Justin Stanley, Bill Kurtis, Bernard Carey, Winston Moore, James Thompson, Sam Skinner, Ray Garrett Jr., the Honorable Prentice Marshal and the Honorable Joel Flaum. From time to time, we have Chapter dinners and receptions featuring prominent local and national guests. Recent dinner speakers included Governor Daniel Walker, Lieutenant Governor Neil Hartigan, U. S. Senators Charles Percy and Adlai Stevenson, Illinois Attorney General William Scott, Judge William Bauer, Chief Judge James Parsons and FCC Chairman Richard Wiley, the current national president of the FBA. All new Chicago appointees to the Federal bench

\* Of Chicago, members of the Chicago Chapter of the Federal Bar Association.

are honored by the Chapter, and we hold an annual dinner for all members of the Federal judiciary. Justices Goldberg, Fortas, Clark and Douglas have all been honored by the Chicago Chapter and in the near future we plan to honor our own member, Mr. Justice John Paul Stevens. Back in 1945, then Vice President Harry S. Truman spoke to the Chicago Chapter just a few days before he was to become President of the United States.

Each year the Chapter presents its Milton Gordon Award to an outstanding Federal attorney in recognition of long-term excellence at the staff level with special reference to the highest standards of professional ethics.

Continuing legal education is a significant part of our Chapter program. Recent seminars covered Labor Relations in The Federal Sector, and Openness in Government which reviewed the Freedom of Information Act and the Privacy Act.



Arthur J. Goldberg, the third Justice of the U.S. Supreme Court appointed from Illinois.



John Paul Stevens, the fourth Justice of the U.S. Supreme Court appointed from Illinois.

**FBA OBJECTIVES.** The objectives of the FBA as stated in our Constitution are: to advance the science of jurisprudence; to promote the administration of justice; to uphold a high standard for the Federal judiciary, attorneys representing the Government of the United States, and attorneys appearing before courts, departments and agencies of the United States; to encourage cordial and friendly relations among the members of the legal profession; and to promote the welfare of attorneys employed by the Government of the United States.

We seek to accomplish these objectives through an extensive (80) committee structure, and through the publication of the *Federal Bar News*, monthly, and a quarterly *Federal Bar Journal* which publishes scholarly articles on federal legal questions. In addition, we have an extensive national program of Continuing Legal Education, and offer the other ameni-

ties such as group travel, group insurance, referrals and placement, etc.

**QUALIFICATIONS FOR MEMBERSHIP.** There are two basic types of membership; Regular for past and present Federal attorneys and Associate for members of the bar who have a substantial interest and participation in the federal law as shown through admission to a Federal court, practice before a Federal agency or administrative service in a Federal agency.

The Foundation of the Federal Bar Association, the National Lawyers Club, and the Federal Lawyer Building Corporation are important ways of extending the work of the FBA through independent but affiliated organizations. The Foundation serves as a research arm of the FBA, while the Building Corporation owns two office buildings in Washington, D.C. in which are located the National Lawyers Club and the Federal Bar Library, both of which are available to FBA members.

The Federal Bar Association is a

unique organization among bar and other professional organizations. The blend of membership from in and out of current government service, the combination of civilian and military, the wide scope of substantive and other service committees, the Chapters and other activities are well known in the legal profession. The Association often serves as a catalyst for interprofessional communication and service, through its publications, through its service and activity programs, and through its many continuing education opportunities. The Association has formal representation in the House of Delegates of the American Bar Association, an elected officer of the Association serving as a Delegate to that body. The Inter-American, as well as the International Bar Association and the FBA have important and effective liaison. The Chicago Chapter of the Federal Bar Association provides all eligible attorneys an opportunity to participate in this unique organization.



FEDERAL BAR (cont.)



Dwight H. Green, Chicago.



Otto Kerner, Chicago.



Richard B. Ogilvie, Chicago.



Daniel Walker, Chicago.



James M. Thompson, Chicago.

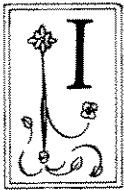


Justice Frank J. McGarr.

# ILLINOIS DEFENSE COUNSEL

ORGANIZED IN 1964,  
THE ILLINOIS DEFENSE COUNSEL IS DEVOTED  
TO INTERESTS OF THE DEFENSE BAR

By RICHARD H. HOFFMAN\*



IN November of 1964, the first Defense Tactics Seminar, devoted exclusively to the problems of defense of personal injury litigation and the insurance industry, was held in

Chicago. The response to the Seminar was overwhelming with more than 700 in attendance.

The enthusiasm generated by the Seminar indicated a need for a more permanent organization devoted to the defense interests. Accordingly, a small group of defense attorneys gathered at The Chicago Bar Association to consider a method of channeling this interest and enthusiasm. Participants at this meeting sensed a need for a permanent organization to protect and enlarge the interests of the defense bar and its clients. By-Laws were drawn up, a tentative slate of officers selected, and the name Defense Trial Tactics Seminar was chosen.

A test of the interest for such an organization was decided upon by calling a general meeting of everyone who would be interested or affected by such an organization. The meeting was a sell-out, the project was unanimously applauded and approved, and the tentative officers were selected as the first officers of Defense Trial Tactics Seminar, Inc. The organization's name was changed to Illinois Defense Counsel in April of 1966.

The first officers selected at the meeting of August 1964 were: Royce Glenn Rowe, President; Henry J. Marquard, Vice President; Vincent B.

Vaccarello, Vice President; Tom L. Yates, Vice President; and James Baylor, Secretary-Treasurer.

James Baylor subsequently was appointed to serve as Director of Insurance for the State of Illinois and served in that capacity for four years.

The membership requirements established at that initial meeting were: Any person who is a member in good standing of the Bar of the State of Illinois; who for five years (amended June 1976 to two years) has been engaged actively in the practice of law; who is of high professional standing, and who devotes a substantial portion of his professional practice to the representation of the defense in civil litigation involving tort, contractual or statutory liability.



Royce G. Rowe, Chicago.

Although its membership has remained constant since the year of its incorporation, it has continued to be representative of a much larger group of lawyers throughout the State. Its members have been very active in Illinois State Bar affairs throughout the years and have held offices in that organization. The unfortunate plane crash in 1975 that took the lives of four very active members of the Illinois State Bar Association, who were returning from an ISBA function, included two Illinois Defense Counsel members, William J. McKenna and Howard Sorensen.

The Illinois Defense Counsel has each year conducted a Seminar on topics which are of interest to the defense counsel throughout the state. Panelists and speakers at the Seminars have always been well known experts in their field and have included attorneys brought to the Seminar from various states, including New York, California, Texas, and South Carolina and have served to keep its membership abreast of trends throughout the country in their particular fields of interest. Topics at the Seminars have included: Products Liability, Malpractice, Contributory Negligence, Use of an Economist, etc.

The organization provides a monthly newsletter which analyzes all Illinois Appellate and Supreme Court decisions of interest to the defense counsel and the insurance industry. The IDC has kept abreast of litigation pending before the Illinois Supreme Court

\* Of Chicago, Secretary-Treasurer of the Illinois Defense Counsel.

## ILLINOIS DEFENSE COUNSEL (cont.)

which would affect its membership and presented an Amicus Curiae brief in the case of *Maki v. Frelk*, 40 Ill.2d 193, 239, N.E.2d 445, (1969) and *Tolman v. Wieboldt Stores, Inc.*, 38 Ill.2d 519 (1967). In addition, the Illinois Defense Counsel has sponsored the publication of monographs on topics of interest to the defense counsel and distributed these monographs at its annual seminars.

Any proposed legislation which would be of interest to the member-

ship is examined, and such information is passed on to the membership for their information.

The Illinois Defense Counsel was instrumental in forming the National Conference of Local Defense Groups which held its first meeting Good Friday, 1969 at the University of Chicago. This conference, which is sponsored in conjunction with the Defense Research Institute of Milwaukee, Wisconsin, is hosted by a different local defense group each year, the last being held in San Antonio, Texas, March 25-27, 1976. Representatives from the various defense groups throughout the country meet to dis-

cuss their common problems and possible solutions on a national level.

The current officers of Illinois Defense Counsel are:

John F. White, President, McKenna, Storer, Rowe, White & Farrug, Chicago

R. Lawrence Storms, President-Elect, Winston & Strawn, Chicago

John P. Ewart, Vice President, Craig & Craig, Mattoon

Richard C. Valentine, Vice President, Lord, Bissell & Brook, Chicago

Richard H. Hoffman, Secretary-Treasurer, Querrey, Harrow, Gulanick & Kennedy, Ltd., Chicago.

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## ILLINOIS JUDGES ASSOCIATION

ILLINOIS JUDICIAL ORGANIZATIONS  
MERGED IN 1971  
AS ILLINOIS JUDGES ASSOCIATION

By ESTHER F. KIPNIS\*



BEFORE judicial reform, in 1962, there were several Judges Associations: the County and Probate Judges Associations, the Justice of Peace Association, the City Court Judges

Association, the Juvenile Court Judges Association, and the Circuit and Appellate Court Judges Associations. There was also a time when some judges thought there should be separate Associations for Cook County Judges and Judges from the rest of the state.

The Illinois Circuit and Appellate Judges Association was organized June 3, 1938.

The Illinois Associate Judges Association was organized in 1963.

All of these various Associations have finally been welded together. On December 4, 1971, these Associations merged into one organization known as the Illinois Judges Association.

The Charter of the Illinois Judges Association provides that it is established for the purpose of creating a liaison between the judges of the State of Illinois; to encourage continuing legal education; to resolve common problems; to encourage the highest level of performance from its individual members; to foster public confidence in the judiciary; to improve efficiency in the administration of justice; and to bring to the people of Illinois a court system of the highest standards.

On December 6, 1973, the Cook County and Downstate Associate Judges Associations phased out their respective organizations and merged their membership with the Illinois Judges Association. Thus, all judges in the State of Illinois are eligible for membership and are urged to join.

The programs presented during the annual Convention of the Illinois Judges Association endeavor to focus on those areas of law and the practical problems that are of special interest and concern to the judges. Some of the topics covered at previous Conventions are: Fair Trial - Free Press; Sentencing and Probation; Judicial Bar Polls; the Role of the Trial Judge

\* Of Chicago, Executive Secretary, Illinois Judges Association.



in the Conduct and Discipline of Attorneys; the State Pension Program, and the State Insurance Program. Nationally prominent attorneys have been called upon to serve as the principal speakers at the Conventions.

The Association contributes financial aid and encourages its members to attend and participate in Seminars given by the Illinois Judicial Conference.

The Association encourages the judges to participate in programs in their respective communities. Some Association members go to grade schools and high schools and lead panel discussions, give lectures and hold mock trials. The schools are also contacted and asked to bring their classes to the court — to see court in session and hear a lecture from the trial judge.

The Association is always on the alert to lend its support to legislation which will bring about a fairer and more efficient judicial system in the State of Illinois.

The officers for 1976 are:

Hon. Charles P. Horan, President  
Hon. John A. Krause, Vice President  
Hon. Peter Bakakos, Vice President  
Hon. Roland J. DeMarco, Treasurer  
Hon. Harold W. Sullivan, Secretary.



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## JUSTINIAN SOCIETY OF LAWYERS

NAMED AFTER AUTHOR OF JUSTINIAN CODE,  
THE JUSTINIAN SOCIETY OF LAWYERS IS ONE  
OF ILLINOIS' OLDEST ETHNIC BAR GROUPS

By CHARLES E. PORCELLINO\*



THE namesake of our Society is Justinian I, (Flavius Anicius Justinianus), a Byzantine emperor, born probably on or about May 11, 483. His most glorious contribution during his reign is the famous Justinian Code. The final phrase of the "Purpose" clause of the Society's Constitution continues in the tradition of Justinian, "to participate in civic and community affairs so as to insure the proper administration of Justice."

Having been organized and chartered in 1921, under the name of the Justinian Society of Advocates, (the name was later amended to the Justinian Society of Lawyers in 1953), our Society is one of the oldest ethnic bar associations in the State of Illinois. Thirty lawyers answered the call of John De Grazia. The names on the list of organizers still familiar to many in the legal community are: Pope,

Sbarbaro, Lupe, Clementi, and Spatuzza. Judge George L. Quilici, now deceased, and Helen M. Cirese, still active and known to many, were among the original organizers and members of the Society.

Senior Counsellor Horatio Tocco described these founders "as immigrants and the sons of immigrants who came here from the old continent with visions and not illusions. They were the believing generation. They believed that in this endless expanse called America there was a road for every talent to rise to wealth and power. Many of us to this day retain memories of those immigrants who sold their cattle and kitchen utensils, scraped, saved and borrowed money from their friends and relatives, packed their belongings in sacks, bundles and handkerchief and crossed the big pond wondering how much that they had heard they would find to be true in America."

A membership roster for 1934 shows 67 members; in June of 1949, 81 members; and as of June of 1976, a total membership of 438 from Cook, Lake, Will, and DuPage Counties with membership information recently mailed to an additional 300 lawyers of Italian extraction in the Cook County area. While the origins of the membership are close, their interests are varied: Members of Congress, the legislature, the circuit, appellate and Supreme Court of Illinois, and membership on certain select committees of the American, Illinois and Chicago Bar Associations. The void, if any, is at the level of the federal bench in the Northern District of Illinois, Eastern Division, but not because of a lack of qualified and interested members of our Society.

The Justinians meet once each month between September and June.

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\* Of Chicago, Treasurer of the Justinian Society of Lawyers.

## JUSTINIAN SOCIETY (cont.)

The regular meetings include a noon luncheon at The Chicago Bar Association and a guest speaker. Our social activities include the Officers Installation Dinner, the Annual Ballo di Natale (Ball of Christmas), and Annual Golf Outing.

The Officers Installation Dinner is held in September of each year at the Palmer House. This dinner is always well attended by Chicago's prominent citizens, lawyers, judges of the federal, state and county courts, and other men and women outstanding in their callings and professions. It is at this dinner meeting that the officers are formally sworn into office, that scholarships are formally bestowed upon needy law students, and the crowning achievement — the presen-

tation of the Society's "Man of the Year" award.

Recipients of the "Man of the Year" award in prior years have included U.S. Congressmen Peter W. Rodino Jr. and Frank Annunzio, Governor John Volpe of Massachusetts, United States Judge Alexander J. Napoli of the Northern District of Illinois, as well as others of national and local prominence.

For many years our Society has taken an active role in Law Day, USA. The program just completed found our Law Day Committee making contact with 25 high schools in the Chicago area. Through the co-operation of the Society and the Joint Civic Committee of Italian Americans, our members have also provided free legal assistance throughout the year to those of little or no means.

Standing second to none in the area of bar association publications, the Society has for eleven years published

the Justinian Law Journal. Under the editorial guidance of Gerald L. Sbarboro, the "Journal" has found its way into over sixty law libraries both here and abroad.

While the history of the Justinian Society of Lawyers includes many names and considerable achievement, we are, as one of our current officers so aptly stated, "just beginning our Renaissance". With the recent rejuvenation of our committees on the judiciary and legislature, the Society shall take an even more active role "in civic and community affairs so as to insure the proper administration of justice".

The officers for the 1976-77 term are Anthony A. DiGrazia, President; Bernard B. Rinella, 1st Vice President; Leonard F. Amari, 2nd Vice President; Roger F. Maritote, 3rd Vice President; Charles E. Porcellino, Treasurer; and Jack P. Cerone, Secretary.

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The Justinian Society of Lawyers of Chicago circa 1931 — (from left, seated) Horatio Tocco, Judge Francis Borellii, Judge Francis Allegretti, Judge John J. Lupe, Judge John A. Sbarbaro, Rocco DeStefano, Joseph Orrico, (standing) Henry Tufo, Anthony Champagne, John DeGrazia, John B. Meccia, William Parrillo, George Spatuzza, Donald Rizzio, Anthony T. Clementi, Lawrence Marino, Paul Comito, Anthony Caliendo, George L. Quilici, Vincent Chisesi, Frank Loverde, and Joseph A. Zambreno.



Governor Richard B. Ogilvie was the recipient of the Justinian Society of Lawyers Golden Anniversary plaque at a luncheon in 1972 in the Sheraton Blackstone, Chicago. Shown (left to right) are William Ceilini, then State Director of Transportation; Alfred E. Gallo, President, Cosmopolitan National Bank and chairman of the affair; Governor Ogilvie; Society Past President Lawrence X. Pusateri; and Gerald L. Sbarboro, President of the Society.



George L. Quilici, Chicago.



Helen M. Cirese, Oak Park.

# ILLINOIS STATE BAR ASSOCIATION

## A BRIEF HISTORY OF THE ILLINOIS STATE BAR ASSOCIATION — 1877 TO 1977

By BRITTA HARRIS\*



**NEW APPELLATE SYSTEM.** The idea to organize the Illinois State Bar Association arose from a compelling need for court reform in the state. On October 12, 1876, Judge

Stephen R. Moore, Kankakee, visited Myra Bradwell, editor of the Chicago Legal News, for the express purpose of suggesting the organization of a state bar association to tackle the problem of an overcrowded Supreme Court docket. Mrs. Bradwell suggested he write a letter to the editor and he proceeded to do so. The letter was published in the October 14 issue of the Chicago Legal News calling for a meeting of lawyers on January 4, 1877 in Springfield.

According to the 1870 constitution, an appellate court system was to have been established by 1874, but action had been stalled by opposition and general lethargy. The Supreme Court soon was four years behind in its work.

Eighty-eight lawyers from thirty-seven counties met in the Sangamon County courthouse in Springfield on January 4, 1877 to adopt a constitution and elect officers to serve the new bar association. Anthony Thornton, Shelbyville, was elected President. Setting forth goals in the preamble of their constitution, the delegates resolved

"to cultivate the science of jurisprudence, to promote reform in the law, to facilitate the administration of justice, to elevate the standards of integrity, honor and courtesy in the legal profession, to encourage a thorough and liberal education, and to cherish a spirit

of brotherhood among the members thereof."

A committee of eight was appointed to formulate suggestions for court reform and devise strategies for quick legislative action. The eight were President Anthony Thornton; Joseph Gillespie of Madison County; Thomas A. Boyd of Fulton County; David McCulloch of Peoria County; W. B. Cooper of Effingham County; L. L. Bond of Cook County; John M. Palmer of Sangamon County, and Sabin D. Puterbaugh of Peoria County. Parallel to work being done by the Illinois State Bar Association were similar efforts by The Chicago Bar Association. Within a few months, in April, 1877, a probate system became

law. An appellate court system became a reality in June, 1877.

The broad goals of the Association's constitution set the organization on a path which eventually led to a wide range of achievements in reform of law and the courts. However, during the next twenty years, little was accomplished. There was much serious discussion about consolidating the Supreme Court into a single tribunal and raising educational standards for the practice of law in Illinois, but there was little action. Many of the Association's Annual Meetings were devoted to lengthy speeches and the reading of scholarly dissertations. There was some criticism at the time that the Association was merely a mutual admiration society.

The term was not wholly justified since there were signs of progress. Outstanding scholars and public figures, including Roscoe Pound and Adlai Stevenson, addressed the lawyers at bar meetings. Many speakers planted the seeds of new ideas for action. The Association received reflected honor when a former President, Melville Fuller, became the Chief Justice of the U.S. Supreme Court in 1887. In 1874, a woman, Myra Bradwell, was admitted into honorary membership, a somewhat daring move for those times. However, during this twenty-year period, there was not much done to stimulate the membership. By 1884, only eleven per cent of the state's lawyers be-



Anthony Thornton, Shelbyville, first President of the Illinois State Bar Association.

\* Of Lincoln, graduate cum laude (Northwestern University, B.A., 1949) and graduate, University of Illinois (M.A.P.A., 1975), college instructor, free-lance writer, wife of Attorney Thomas M. Harris.

longed to the Association. Proposals, such as meeting biennially during state legislative sessions, were advanced with the hope of spurring more interest. Former U.S. Supreme Court Justice, David Davis, Bloomington, stressing the importance of an organized bar, exhorted Association members to continue efforts for the improvement of the law and its administration.

**CONSOLIDATION OF SUPREME COURT.** During these lean years, Association leaders continued to agitate for the consolidation of the Supreme Court which at that time had three grand divisions. They faced many obstacles: politicians who feared loss of influence through consolidation, legislators who opposed any change and an apathetic public which had little understanding of the issues involved.

During the administration of ISBA President Ethelbert Callahan, Robinson, in 1889, four former members of the Illinois Supreme Court, were asked by the President to give their views on consolidation. All four backed the movement and John Scott, Bloomington, one of the four, put the matter in readily understandable language when he stated, "The Supreme Court of this state has been on wheels long enough, and it's time it should have a permanent abiding place." Their support gave consolidation new impetus.

The Association's Committee on Legal Reform, led by John Barton Payne, Chicago, spearheaded the final drive in 1897, overriding strong opposition, logrolling and local pride to establish the Supreme Court in Springfield. John H. Hamline, Chicago, then Association President, lauding the victory, said, it was "... the true function of lawyers to advance citizens' rights to free and speedy justice." In 1908, consolidation became a physical fact with construction of the Supreme Court building across the street from the State Capitol. James H. Matheny,



The Old Capitol in Springfield, once used as the Sangamon County Courthouse, was the site of the organizational meeting of the Illinois State Bar Association on January 4, 1877.

Springfield, President, speaking at the building's dedication, described the Supreme Court consolidation "... possibly the greatest achievement of the Association."

**STANDARDS FOR BAR ADMISSION.** The legal profession was not generally held in high regard during the early years of the Association, due largely to low educational requirements and admission standards. Oral examinations for admission were easy, and almost any male with a minimum of education could become a lawyer by reading law. Responding to recommendations submitted by the ISBA and The Chicago Bar Associ-

ation in 1897, Rule 39, establishing a State Board of Law Examiners, was adopted by the Supreme Court. The new agency was given power to conduct tests for admission and to oversee licensing. Gradually more improvements were made, and by 1913, the Association approved a proposed rule requiring a high school education for admission to the bar. Examinations steadily became more challenging, but it wasn't until 1962 that the Supreme Court abolished the practice of reading law for licensure.

On another vital subject — the jury system — Clarence Darrow, one of Illinois' most famous lawyers, turned his fiery oratory against the critics

## ISBA (cont.)

of the jury system and advocated the use of written jury instructions. Darrow attacked the use of oral instructions which, he said, gave too much power to judges. He also issued a strong indictment against the courts along with the legal profession which he accused of aiding the rich and powerful against the poor and weak. Many of Darrow's fellow bar members resented his rancor; others defended his right to criticize, but no one acted to implement his suggestions.

**CONSTITUTIONAL REFORM.** At the close of the century, almost thirty years after adoption of the 1870 Constitution, bar association leaders joined others in urging adoption of a new constitution. The issues of constitutional change became a permanent aspect of Association activity. In 1902, Sigmund Zeisler, Chairman of the Association's Constitutional Convention Committee, asserted a new constitu-



Edgar Lee Masters, Illinois' famous lawyer-poet, who wrote the "Spoon River Anthology," was a member of the Illinois State Bar Association for many years. He was a partner of Clarence Darrow at one time.

tion would improve the judicial system if provisions eliminating police magistrates, justices of the peace and constables were inserted in the constitution. Rural elements, fearing loss of power in government, however, were successful in defeating the proposed 1918 Constitution, but the Association vowed to continue its effort for reform.

**1912 A STANDOUT YEAR.** The year 1912 stands out as a notable one in Association activity. In an effort to strengthen the organization, the publication of a quarterly bulletin was begun. R. Allan Stephens, Danville, first editor of the *Quarterly Bulletin*, pledged that the publication would be small and brief, "but full of meat." The *Bulletin* was an immediate success. It brought the state's lawyers in closer contact with each other and informed them on significant legal and political developments affecting the practice of law. Stephens also was instrumental in the creation of "caravan" meetings held during the fall and winter in each of the seven Supreme Court districts. The meetings provided a valuable opportunity for discussion and communication and continued to be popular until they were replaced by Continuing Legal Education Institute programs begun in 1961.

The Annual Meeting of 1912, held in Chicago's LaSalle Hotel, was devoted entirely to the issues of judicial recall and court procedures. Every state bar association in the United States was invited to send a representative. Lawyers, speaking to the issues at hand, analyzed the defects of antiquated court procedures and castigated the law profession for procrastination and indifference. Representatives from other states described innovative court procedures which had been successful for their court systems. Advocates of popular judicial recall criticized special interests which they claimed used the judiciary for selfish reasons. Their views were as-



Clarence S. Darrow, the crusading lawyer for social justice in the late 1800s and early 1900s, was a member of the Illinois State Bar Association for many years. He gained international renown in the Scope "Monkey Trial," in defending Loeb and Leopold, and in the Los Angeles Times bombing case.

sailed by a strong opposition which believed that the suggested reforms would undermine an independent judiciary and lead to anarchy. Association members were polled at the meeting and the results showed 549 opposed recall of judges' decisions while 110 favored it. The vote for the recall of judges was 517 against and 117 for.

**WORLD WAR I.** The tempo of bar activity was picking up, but reform issues competed with concerns associated with the imminent entry of the United States into World War I. In 1916, a not-for-profit corporation charter was issued to the Illinois State Bar Association. Objectives set forth in the charter maintained the original association goals. During the same year, ex-President Theodore Roosevelt spoke to members assembled at the Annual Meeting. Roosevelt spoke ardently for military preparedness. He was pleased with the strong support bar members gave to his call for com-



pulsory military service. When the United States did enter the war, many ISBA members joined the active service while others performed voluntary and legal services to aid the war effort.

There was a war to win, but there also were battles to be fought at home. Within the ISBA there were strong feelings about further improvements for admission standards such as the imposition of strict requirements for college attendance. Clarence Darrow, ever the champion of the common man, was outspoken in opposition, declaring that the legal profession should open the doors wider and rely upon examinations rather than restricting admittance. Darrow's view was not acceptable to Association members, and Rule 39 was amended in 1923 requiring 4 years of high school, 72 weeks of general college work and three years of law school study for admission to the bar.

With the approach of the ISBA's fiftieth anniversary year which was observed in 1926, attention was given to streamlining the administration of

a rapidly growing organization. By 1923, the ISBA had 2,989 members, the nation's largest voluntary state bar association. One of the main concerns was to centralize ISBA functions in Springfield. R. Allan Stephens was named permanent secretary of the ISBA. Stephens' annual reports described a vigorous organization geared to provide many services to a growing membership. The Illinois Bar Pension Foundation was expanded, and more legal services for the indigent were provided in cooperation with the state's Family Social Work Societies.

John Foster Dulles, speaking to ISBA members in 1925, strongly urged support for a Senate proposal to permit United States membership in the World Court. There was opposition within the ISBA. Many questioned the merit of the proposal as well as the propriety of declaring support without first polling the membership. After much debate, the proposal was approved.

**THE FIFTIETH YEAR.** After fifty years of activity, the ISBA could look back upon a history of several substantial achievements — notably the establishment of the appellate court system, consolidation of the Supreme Court, and higher admission standards. The organization had responded to internal and external challenges and was prepared to offer a level of service to both its members and to the public which would more than equal past accomplishments. Members attending the 1926 golden anniversary dinner meeting in Rock Island vowed to maintain the ISBA's campaign for judicial reforms.

Yearly agendas for ISBA activities grew longer, corresponding to a larger membership and a growing treasury. There was a temporary setback during early depression years when many members were forced to drop out for financial reasons. Robert L. Conn Sr., retained to solicit lawyers for membership, reported that nine of ten



Melville W. Fuller, Chicago, who served as President of the Illinois State Bar Association in 1886, was appointed Chief Justice of the U.S. Supreme Court in 1888. He served in that position until 1912.

lawyers indicated they would join except for money problems. One lawyer paid his five dollars dues with a City of Chicago Tax Anticipation Warrant. Eventually, an aggressive membership drive overcame the problems created by the depression years, and in 1936-1937, there were 5,000 ISBA members.

**THE CIVIL PRACTICE ACT.** The long-term ISBA effort for revision of the statutes relating to pleading and practice, begun in 1911, finally overcame strong political opposition and resulted in the Civil Practice Act of 1933, Illinois' first modern system of civil practice and procedure. The movement to give rule-making power to the courts in the matter of pleading and practice was opposed by organized labor. Labor leaders believed the Supreme Court could, if the rules were changed, curtail certain rights in injunction cases. ISBA officers and leaders denied this possibility, and lawyers from other states, where courts had rule-making powers, affirmed that labor had not been adversely affected.



David Davis, Bloomington, Lincoln's campaign manager in 1860 and a Lincoln appointee to the U.S. Supreme Court, was President of the Illinois State Bar Association in 1884. He also served as a U.S. Senator for several years.

## ISBA (cont.)

Requesting decisive ISBA action on civil practice procedures, Clarence W. Heyl, Peoria, President in 1930-31, asked, "Are we not progressive enough to say to the critical press, the lawyers of Illinois have the intelligence and courage to adopt a system of pleading which only requires the statement of truth — the facts — without the use of fiction, or any other of the old, obsolete common law forms?" ISBA and CBA committees, along with eminent legal scholars, drafted a proposed new civil practice act. Ten thousand copies were distributed to judges, state officials, legislators and lawyers. After comments and criticism were received and considered, the Civil Practice Act took shape. There were more objections to the proposal, but impatient lawyers throughout the state strongly urged legislative approval.

A promotional unit, including Albert E. Jenner Jr., Walter V. Schaefer and members of the CBA's committee of young lawyers, assisted in presenting



Lyman Trumbull, Chicago, a contemporary of Lincoln and a U.S. Senator for many years, was elected President of the Illinois State Bar Association in 1892.

the proposed law changes throughout the state and to committees of the General Assembly. Hard work paid off, and on June 23, 1934, Governor Henry Horner signed the bill into law. With the Civil Practice Act in force, the ISBA initiated a series of "caravan" meetings to explain its provisions. There were many adjustments to make. Ninety-seven separate bills were introduced in the General Assembly by Rep. Benjamin Adamowski, Chicago, to bring various special actions in the statutes into conformity with the new Act.

The Civil Practice Act was well-received by most judges and attorneys, but there were some exceptions. A few older lawyers, accustomed to the old ways, and being experts in pleading under common law, felt they had lost advantages over their younger adversaries because of the simplified method of stating a cause of action or answering complaints.

Civil practices and procedures again received concentrated attention from the bar in 1954 when the ISBA Section on Civil Practice and Procedure appeared before the Illinois Judicial Conference to report its findings concerning the problem of case reversals due to erroneous jury instructions. Subsequently, a study conducted to discover the extent of the problem revealed that in thirty-eight per cent of cases on appeal, faulty jury instructions resulted in cases reversed or remanded. In 1957, an Illinois Supreme Court Committee on Jury Instruction in Civil cases, headed by ISBA President Gerald Snyder, Waukegan, prepared a set of standard instructions which the Court ordered to be used by trial courts throughout the state.

**THE REVISED STATUTES CONTROVERSY.** Reviewing the impossible situation which had developed in Illinois with the use of two editions of revised Illinois statutes, an ISBA Committee in 1934 attempted to elim-



Roscoe Pound, Dean of Nebraska University Law School in 1903, Professor at Northwestern University in 1907 and the University of Chicago in 1909 and who served as Dean of Harvard Law School from 1916 to 1936.

inate the duplication. Believing that lawyers were entitled to have one statute edition which would be cited by the courts in their opinions and by lawyers in their briefs, the Committee advised the two publishing firms that, starting in 1935, the ISBA would endorse one edition only, either the Cahill or the Smith-Hurd edition. Resolving the problem was not easy; both firms submitted identical prices and then complicated matters by publishing differing sets of annotated statutes. Largely through the ISBA's persistent efforts, a compromise was reached. Publication of the *Illinois Revised Statutes-State Bar Association Edition* was begun, and Illinois lawyers were relieved of an expensive dilemma.

## LEGISLATIVE ACHIEVEMENTS.

After enactment of the Civil Practice Act of 1933, the ISBA campaigned successfully for several other important acts, including the Insurance Code of 1938, the Probate Act of 1939, the Drainage Code of 1955, the Criminal Code of 1961 and the Code of

Criminal Procedure of 1963. The 1939 Probate Act consolidated and clarified probate law, expedited proceedings and applied a more uniform application of law in probate matters. The Drainage Code of 1955 was also significant, being the first codification of laws relating to farm drainage and levee districts in seventy-six years.

The Criminal Code of 1961 and the Code of Criminal Procedure of 1963 culminated years of ISBA efforts to revise the state's criminal laws. In 1933, ISBA members from twenty-five judicial circuits joined to draft a new criminal code replacing the frequently amended codes which had been in effect since 1819. Securing enactment of the changes was slow because of a recommendation to abolish the grand jury. In 1954, another ISBA committee, with financial assistance from the Illinois Bar Foundation and The Chicago Bar Association, succeeded in securing the adoption of the two codes.

The ISBA's continuing effort to upgrade the practice of law in the state was strengthened with the adoption by the Supreme Court of Rule 59 in 1933 designating the ISBA and CBA governing boards and grievance committees as commissions of the court to try complaints against errant lawyers. The commissioners were given power to compel attendance of witnesses, to obtain evidence by deposition and evidence under oath.

#### UNLAWFUL PRACTICE OF LAW.

One of the most vexing problems facing the bar for many years had been the unlawful practice of law. The issues of the matter were highlighted in the case, *Illinois State Bar Association v. Peoples Stock Yards State Bank*. This case established the principle that the Supreme Court has inherent power to punish any corporation or unauthorized person who presumes to practice law. Problems of interpretation were persistent in relation to certain practices by real

estate brokers, especially with realtors' use of legal forms. Finally, in 1957, seeking to resolve the continuing disagreement, the CBA filed suit against the Quinlan and Tyson real estate firm of Chicago, charging that the preparation of sale contracts, deeds, mortgages and other documents, as well as giving advice on title matters constituted the unauthorized practice of law.

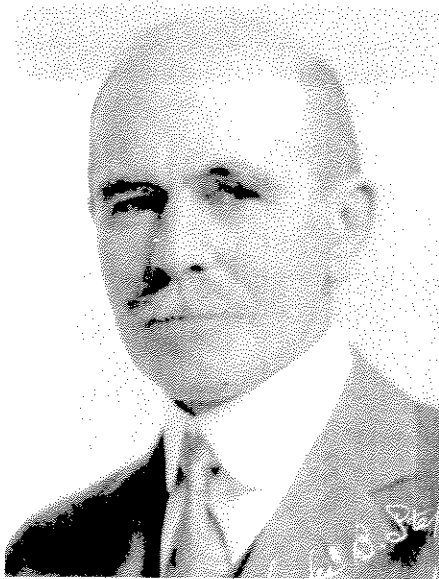
The defendants answered that their activities were necessary and important aspects of real estate transactions which they were legally licensed to carry on. The trial court ruling was appealed by both parties and eventually reached the Illinois Supreme Court. While the decision was pending, relations between realtors and lawyers became strained; charges and counter-charges appeared in the press, and legislative action was considered. Cooler heads prevailed, and a committee of realtors and lawyers met to work out implementation procedures after the Supreme Court handed down its decision. The court granted realtors the right to draft offers or preliminary

contracts but drew the line at other documents required to close deals which the court stated required legal skill. The joint bar-realtor committee framed the Illinois Real Estate Broker-Lawyer Accord to resolve questions of interpreting and implementing the court's decision and acting on complaints of violations. In the ten year history of the Accord, cooperation and mutual dependence has developed between the professional groups, and grievances have been satisfactorily settled.

**SOME EVENTFUL ANNUAL MEETINGS.** Each annual ISBA meeting has been an occasion for leaders and members to review Association activities in the light of the contemporary social, economic and political scene. ISBA by-laws required the retiring President to assess the state of the law and to make recommendations "... as shall seem best calculated to conserve the general weal."

In 1942, President Benjamin Wham, Chicago, discussing "The Lawyer in Wartime," paid tribute to the heroism of Illinois' lawyers who were fighting and dying on the field of battle. For those lawyers who could not serve there was much to do on the home-front. A Military Affairs Committee directed and coordinated the activities of thousands of volunteers in Illinois who wanted to serve. Lawyers served on draft boards and appeals boards, worked with the administration of rationing and performed many other volunteer jobs. Looking back on his own service in World War I, "the war to end all wars," Wham said that a simple solution to world peace might be a world court with an international army to enforce its rulings.

The main guest speaker for the 1942 Annual Meeting was U.S. Supreme Court Justice James F. Byrnes. What began as a routine speech turned out to be a speech with some international ramifications. Shortly



Henry H. Wigmore, Dean and Professor of Law at Northwestern University Law School from 1901 to 1929.

## ISBA (cont.)

after Justice Byrnes had begun, he was interrupted by a messenger. Returning to his audience, Byrnes shifted his discussion to the war and especially to the role of Russia following the attack against it by Nazi Germany. The Justice had been advised that he was the highest Washington official "on the air" that night and that someone close to the administration needed to speak for strengthening relations with our allies, especially with Russia.

By 1945, wartime restrictions made it necessary to limit the annual meeting to an attendance of only the officers for the sole purpose of counting mail ballots for the election of officers.

Hosting the Diamond Jubilee Dinner of the Association in 1952 at the Springfield Elks Club, local lawyers worked hard to present a re-enactment of the first annual dinner program. The Committee studied Association records, and other source material to accurately present the scene in 1878. Sangamon County lawyers presented the guests with souvenirs which included a menu from the first annual supper held at the Leland Hotel in Springfield and a program which described the social conditions in 1877 which challenged Illinois lawyers.

Hosts for the largest annual meeting of record, held in Waukegan in 1960, were faced with two difficult tasks: providing dinner for 1,000 guests and finding a speaker to substitute for Attorney-General Herbert Brownell who had cancelled because of illness. Fortunately for those 1,000 guests, ISBA President Gerald Snyder, Waukegan, was resourceful. Calling Governor Otto Kerner, he asked, "Governor, how would you like to introduce Adlai Stevenson as our guest speaker?" When the Governor said he would like the assignment, Snyder then asked, "Well, you get him to do it for us." Stevenson, then a candidate for the Democratic nomination for President, graciously accepted the speaking invitation. In his speech, Stevenson acknowledged the honor of being asked adding, "... though from what I read in the newspapers, I am not the first choice." The audience, aware of the circumstances, enjoyed the humorous remark.

A precedent for a vacation-type annual meeting was set when Southern Illinois lawyers invited and President Owen Rall accepted the offer to meet at St. Louis for the 1961 Annual Meeting. The Chase-Park Plaza Hotel, close to Forest Park and its entertainment facilities, provided a pleasant atmosphere for members and their families.

Since then similar meetings have been held in Illinois, Missouri and Wisconsin.

**A MEMORABLE SUPREME COURT DINNER.** Breaking away from stereotyped dinner meeting formats which had often inflicted long, boring programs on suffering audiences, ISBA President, Timothy McKnight, Chicago, selected Earle Stanley Gardner, the noted mystery writer, to speak at the Fiftieth Annual Supreme Court Dinner in 1953. That evening, Gardner and Supreme Court Justice Walter Schaefer delighted an audience of 730 with their jokes about the advantages and disadvantages of writing legal opinions and fiction. Schaefer claimed Gardner had the advantage of risque covers on his paperbacks to gain reader appeal.

**CLIENTS' SECURITY FUND.** In 1962, the Clients' Security Fund became another reform whose time had come. As far back as 1934, bar leaders had discussed the need for a solicitors' fidelity guaranty fund, but not until 1960 was the matter given serious consideration. After a report by Past President Karl C. Williams, Rockford, who led a committee studying the subject, the ISBA and CBA approved a resolution creating the fund and the assessment of the associations' members.

**BAR ECONOMICS PROGRAMS.** One of the most significant internal achievements for the ISBA came during the administration of President Gerald Snyder, Waukegan. Setting the stage for the initiation of a bar economics program, Snyder exhorted ISBA members to improve their services and their public image. Diagnosing the legal profession's status, Snyder described symptoms of inadequate income and lackluster appeal to young men and women as part of a case of "economic anemia." He said there were fewer lawyers admitted to



The Illinois Supreme Court Building in Springfield. The structure was dedicated Feb. 4, 1908.

practice in 1958 than in 1933, that the percentage of national income spent on legal services had dwindled to about one-third of what it had been twenty-five years previously and that lawyers' overhead expenses and income taxes had increased significantly. According to a survey he had made, sixty bar associations were using almost the same fee schedules they were using twenty-five years earlier.

The Board of Governors, convinced by Snyder's arguments, adopted a resolution authorizing a program to conduct an economic survey of Illinois' lawyers and to assist the state's lawyers in securing adequate compensation for their legal services. With the help of a management consulting firm, 15,000 Illinois lawyers were queried about subjects ranging from net income and details of office systems to attitudes toward clients.

Aware of deficiencies and weaknesses in their business practices, 921 lawyers came to the 1960 Economic Institute held during the Annual Meeting at the Illinois Beach State Park Lodge near Waukegan. There they heard results of the survey which revealed that lawyers were losing ground in a struggle against inflation. The average non-salaried Chicago lawyer received an annual income before taxes of only \$13,000, and the average income for his downstate counterpart was \$11,600.

Experts in the field of office management and business practices presented up-to-date information about time and money record-keeping, determination of fees and billing, control of cases, modern desk-side manners, guides to higher income and advice on how to build a law practice.

The ISBA, recognizing the need to counteract the declining economic status of lawyers, created a Bar Economics Department employing a full-time staff officer. Billie R. Bethel, a law graduate from Washington University, became the department's new director. Under her supervision, a



Albert E. Jenner Jr., Chicago, President of the Illinois State Bar Association in 1949-50, is the oldest ISBA Past President as to term of office. He helped promote the Civil Practice Act of 1933 as a member of the younger lawyers of the ISBA.

detailed fee manual was sent to every lawyer in Illinois, and articles about law office management were published. Bar economics progress and related matters were discussed at bar meetings throughout the state during 1960 and 1961. A film, "A Stitch In Time," was used as a promotional tool to emphasize the need for individuals to seek periodic legal health check-ups.

Having exerted a great effort to achieve economic improvements for lawyers, the ISBA, four years later conducted a survey to ascertain the effectiveness of its work. Response to the survey sent to 17,594 lawyers indicated that, from January, 1960 to April, 1964, the median annual income of the non-salaried lawyer in Chicago had risen from \$13,000 to \$18,000, an increase of thirty per cent. The median annual income of the non-salaried lawyer practicing outside Chicago had reached \$17,200 from the 1959 figure of \$11,600 for a forty-eight per cent improvement.

Bethel, commenting on the ISBA's economic program, said, "Enough

gain has been realized to demonstrate the effectiveness of the program and its value in leading the profession toward the rendering of more effective, efficient and economic legal services to the public." Economic surveys continue to be a valuable tool for the Committee on Bar Economics.

In 1973, the minimum fee schedule, product of many years' work by the Bar Economics Committee, was revised in light of antitrust implications brought out by the Court in the case of *Goldfarb v. Virginia State Bar, et al.* Because of the opinion, which classified minimum fee schedules as a form of price-fixing that is prohibited by federal antitrust laws, the ISBA adopted a resolution emphasizing that fee schedules provided a service and were to be used only as guidelines. The committee then continued to revise the Manual on Fees in light of cost of living indices issued by the U.S. Department of Labor. Finally, at a meeting February 8 and 9, 1974, the Board of Governors, noting the decision in the *Goldfarb* case, declared the ISBA fee schedule no longer in effect.

#### THE JUDICIAL AMENDMENT.

True to its long-standing dedication to improvements in the administration of justice, the ISBA, along with the CBA, spearheaded the campaign for adoption of the Blue Ballot Judicial Amendment in 1962. The successful revision of the state's judicial article is now regarded as the most important event in the ISBA history. A proposed amendment, prepared by a joint ISBA-CBA committee, received widespread support from state civic organizations and strong bi-partisan support from Governors Adlai Stevenson and William Stratton. However, because judicial reform was politically linked to the article for reapportionment and because of disagreement about judicial selection and tenure provisions, the judicial article failed to secure needed votes in the Illinois House of Representatives in 1953.



## ISBA (cont.)

The next attempt to secure passage of a judicial article began in 1955 with the introduction of a new version which separated, for voter consideration, selection and tenure provisions from court reorganization provisions. The reform measure once again was defeated by political maneuverings, but the bar groups lost none of their determination. Barnabas F. Sears, Chicago, chairman of the Joint Committee on the Judicial Article, declared: "We expect to lose all battles but the last one."

The ISBA was committed to the principle of non-political selection and tenure of judges. In 1957, political attitudes towards judicial reform were more relaxed. Chicago's Mayor Richard Daley accepted the bar associations' draft since the method of selecting judges was left to a separate referendum in 1960. There was still



Barnabas F. Sears, Chicago, President of the Illinois State Bar Association in 1957-58, was the first chairman of the Joint CBA-ISBA Committee for the Judicial Article.

serious opposition to the mandatory referendum on the method of selecting judges, but a well-organized statewide citizens committee secured important editorial, business, professional, civic and church endorsements which eventually produced a groundswell of favorable public opinion.

Governor Stratton responded to the public's reaction by suggesting a compromise giving the General Assembly power to choose a system for judicial election which would be submitted for public approval. Stratton appealed to the bar and judiciary to support his compromise. After much study and debate, the ISBA, while maintaining its dedication to the removal of judicial selection and tenure from partisan politics, agreed to the Governor's proposal. In spite of an intensive educational campaign sponsored by the Committee for Modern Courts, the state's voters, at the November, 1958 election, failed to provide the necessary margin of votes for the amendment's adoption.

Undaunted, the ISBA assured the public that its efforts for an up-to-date court system would continue until the state had a flexible court structure equal to changing social demands and free from political pressures. Work was immediately begun on a new Judicial Article for submission to the 1961 session of the General Assembly. A notable change featured provisions for three Supreme Court justices to be selected from Cook County and six from outside Cook County, thereby removing one of the chief causes of the amendment's 1958 defeat.

In 1961, the General Assembly approved House Joint Resolution 39 which contained most of the bar association's proposal, including: a unified court system, a seven member Supreme Court with three justices elected from Cook County; administrative direction by the Supreme Court; elimination of justices of the peace, masters and other fee officers; a requirement that judges be members of the bar; fixed terms of judi-



Owen Rall, Chicago, President of the Illinois State Bar Association in 1961-62, was instrumental in the effort to obtain a new Judicial Article for Illinois. He was named one of the first recipients of the ISBA Merit Award in 1972.

cial office and the provision that judges run for retention in office at the end of their terms on the basis of their records only. The old method of initial nomination and election by political parties was retained with the provision that the General Assembly could provide for a new system of selection and tenure by referendum.

The Committee for Modern Courts solicited and received many financial contributions for the all-out effort to pass the Blue Ballot Amendment. More than fifty influential organizations endorsed and worked for the adoption of the amendment. Bi-partisan support was widely publicized when leaders from both parties participated in the ceremony inaugurating the Blue Ballot Campaign. This time the bar associations won their battle. On November 6, 1962, Illinois voters approved the Blue Ballot Amendment. ISBA President Mason Bull, Morrison, and Walter Moses, President of the CBA, declared its passage an event of great significance



which would benefit future generations. The bar associations immediately drew up implementing legislation which was submitted to the 1963 General Assembly.

**PERMANENT HEADQUARTERS.** Concurrent with work for reform were important activities aimed at improving the ISBA's institutional structure. A prime ISBA goal for many years had been the establishment of a permanent headquarters in Springfield. After years of moving, during which a portion of ISBA records were destroyed by fire, a committee was appointed to establish a trust fund to accumulate money for the acquisition of property for a permanent headquarters.

Several campaigns added funds to the trust account, making it possible for the Association to purchase a house and lot next to the Supreme Court building. The fund was not sufficient to finance all the expenses involved with the purchase and necessary remodelling, but members of the ISBA Board of Governors gave their personal bond to guarantee payment of all costs and expenses involved in creating the new headquarters. The building at 424 S. Second Street in Springfield was the official address of the ISBA until temporary offices were set up during construction of a new Bar Center. Designed by the Chicago architectural firm of Skidmore, Owings and Merrill, the Illinois Bar Center promised to be one of the Capitol City's outstanding buildings. Funds for construction were sought and after years of solicitation, the ISBA Ways and Means Committee reported on Law Day, May 1, 1967 that a total of \$750,000 had been raised. The Bar Center was dedicated that same day.

**OTHER ACTIVITIES.** Parallel to a growing diversification of activities for judicial reform and public service has been the development of many programs designed to serve ISBA members. Senior Counsellors, bar mem-



Governor Otto Kerner (seated center) is shown at ceremony August 19, 1963, in which he completed the signing of implementation legislation for the new Judicial Article. Seated (left to right) are Senator Alan J. Dixon, Belleville, chairman of the Illinois Judicial Advisory Council; Representative Robert L. Burhans, Peoria, a member of the Illinois Judicial Advisory Council and chairman of the House Judiciary Committee, and Governor Kerner. Standing (left to right) are Horace A. Young, Chicago, ISBA president; Peter Fitzpatrick, Chicago, ISBA 2nd vice president and a member of the Cook County Judicial Advisory Council; John Ritchie III, Dean of Northwestern University School of Law and a member of the Illinois Judicial Advisory Council; Senator Arthur W. Sprague, LaGrange, chairman of the Senate Committee on Judicial Revision, and Circuit Judge A. J. Scheineman, Sterling, chairman of the Supreme Court Coordinating Committee on Judicial Implementation.

bers for fifty years, are recognized during annual ceremonies. The Illinois Bar Foundation also provides relief, aid and assistance for members of the bar who are ill or incapacitated and in need of aid as well as help for dependents of such members.

To bring lawyers wives closer to ISBA activities, the Board of Governors, in 1938, provided for the organization of the Association of Wives of Illinois Lawyers. A Young Lawyers Section, dating back to 1937, includes all ISBA members under thirty-six years of age. Many useful activities have been undertaken by the younger lawyers.

From its inception in 1931 as an official magazine, the *Illinois Bar Journal* reflected the excellent reputation held by the ISBA in the field of publications. With increased membership dues, the ISBA was able to expand the *Journal* to include more subjects of practical benefit for the average lawyer. Members of the *Journal's* ad-

visory committee select authors to gather material and write about designated subjects.

Newsletters from ISBA organizational sections such as the *Probate and Trust Newsletter* and *Trial Briefs*, were initiated to report and analyze recent developments in those fields of practice. Innovations such as the series, "What Every Lawyer Should Know About ....." and the *Bar Journal Form Book*, the section newsletters and the *Illinois Courts Bulletin* were all cited by the American Bar Association in its Award of Merit to the ISBA in 1956.

ISBA communication activities were supplemented by refresher courses which became the basis for the Institute on Continuing Education of the Illinois Bar in 1961. Patterned after a successful department with similar objectives in California, the Institute was quickly accepted and became almost financially independent at the beginning. In 1968, The Chicago Bar Association became a joint sponsor.

## ISBA (cont.)

Having great success with its publication and education programs, it was natural for the ISBA to orient some of its information activities towards public service. Pamphlets, movies, newspaper columns and radio programs provided the public with useful legal information. In 1967, the ISBA Public Relations Committee produced a television documentary to explain new legislation passed by the General Assembly. New laws covering motor vehicles, drivers' licenses, credit reform, garnishment and wage assignments, family and minors, probate and real estate, crimes and misdemeanors and torts and trials were discussed by a panel of ISBA members. The initial telecast and rebroadcast by other television and radio stations brought the program to millions of Illinois citizens. Promotion work preceding the broadcast used news-

paper ads and billboards to increase the potential audience. It was estimated that 3.5 million people were reached by the program. For this and other public information campaigns, the ISBA received the 24th Annual Silver Anvil Award from the Public Relations Society of America in 1968.

The ISBA, from 1954-1973, has received many top honors in the ABA's Annual Award of Merit competition. In 1956, 1958 and 1973, the ISBA entries won first place. Activities and accomplishments included in the award were *Journal* articles, information from its other publications, radio and television programs, films, lectures and speakers bureaus were all mentioned. ISBA court reform activities were also cited. The 1973 award recognized ISBA's efforts in long range planning.

**THE CHALLENGE OF THE 70's.** By the 1970's the Illinois State Bar Association was a full-fledged institution, proud of its reputation as a

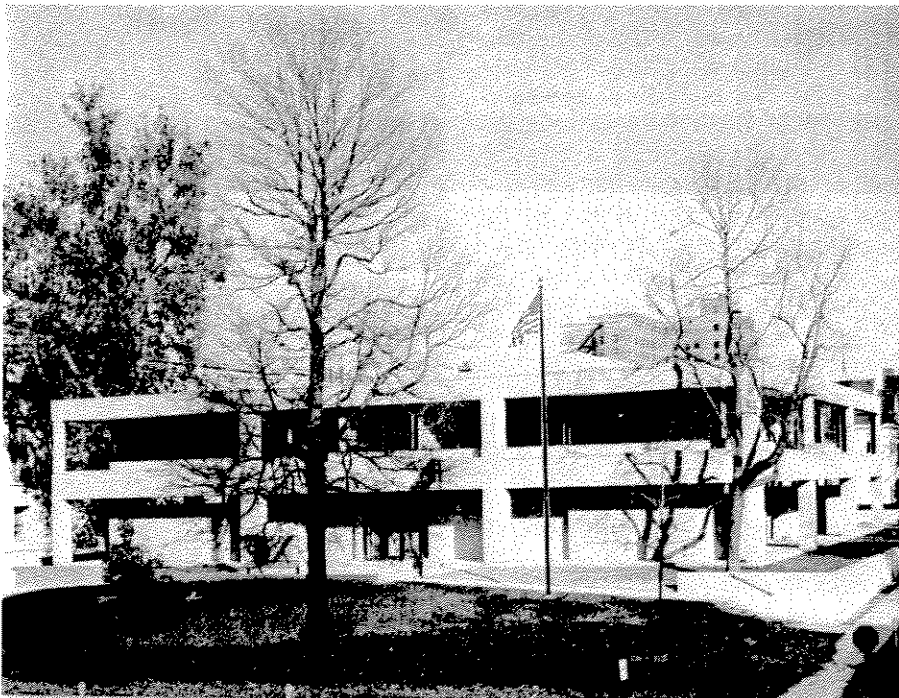
leader for legal and judicial reform, but at the same time it was confronted mainly with unresolved problems linked to new social challenges. Closing in on its centennial year, the organization had grown to 20,000 members and was operating with a budget of more than a million dollars. The Association's agenda of activity grew as members and leaders reached out for more service opportunities and took stands on social issues. There were encounters with new problems and continuing responsibilities towards old problems.

**CONSTITUTIONAL AND COURT REFORM.** The ISBA was a leader in the movement for constitutional revision in Illinois both in the process of making substantive suggestions and in basic political activities to assure passage of the constitutional referendum of 1970.

Voters accepted the 1970 Constitution but rejected Proposition 2B, a separate issue for the merit selection of judges. Since 1970, the bar has worked diligently to effect some form of merit judicial selection, but without success at this writing.

Other court reforms have been supported by the ISBA in recent years. These include changes in the boundaries of federal court districts to improve judicial functions and the adoption of Uniform Circuit Court rules.

**ENVIRONMENTAL CONTROL.** The continual historical shift of social emphasis brought a new issue to the national scene in the 1960's. By the 1970's concern for environmental problems became a major political issue which almost every important organization was forced to face. Because of damages to the environment inflicted by uncontrolled growth, the public demanded the creation of public agencies to establish sets of rules for some measure of control over natural resources. Actions by the new agencies led to the development of



The Illinois Bar Center, headquarters of the Illinois State Bar Association in Springfield. Occupied on November 14, 1966, the Bar Center was dedicated on May 1, 1967 with Governor Otto Kerner as the dedication speaker.

a new field of jurisprudence. Although there had been environmental laws for many years, there was never anything comparable to the flood of environmental cases which proceeded from the wrath of environmentalist groups making claims against public and private agencies for degrading the natural environment. Important legal concepts and constitutional considerations are implicit in these cases, many of which result from the administration of new environmental control laws. The ISBA Section on Environmental Control Law, through its newsletter and continuing education programs, alerted members of the bar to new environmental developments and possible reforms.

**NO FAULT INSURANCE AND NO FAULT DIVORCE.** The ISBA has worked hard to obtain passage of a no-fault auto accident reparations law which will be an improvement over the present costly and inequitable system and yet include protection for basic individual rights such as the right to seek redress for legitimate grievances in a court of law.

Seeking to provide remedies for some of the widely recognized weaknesses in our present divorce proceedings, the ISBA has submitted no-fault divorce legislation to the General Assembly for several years. Basic to the ISBA position is that the grounds for divorce should include the principle of irretrievable breakdown of a marriage.

**CONTROVERSIES INVOLVING INDIVIDUAL RIGHTS.** Consistent with its attitudes towards human rights, the ISBA has pledged support for the Equal Rights Amendment and has worked for its approval by the General Assembly.

Questions concerning individual rights have involved the bar in many complicated and heated issues. One of the most recent of these issues involves mutual responsibilities of the bar and the news media as they re-

late to the First and Sixth Amendments. News reporters, seeking to protect the confidentiality of their news sources, have pushed for "shield legislation" at state and federal levels to acquire privileges which the bar regards as unacceptable.

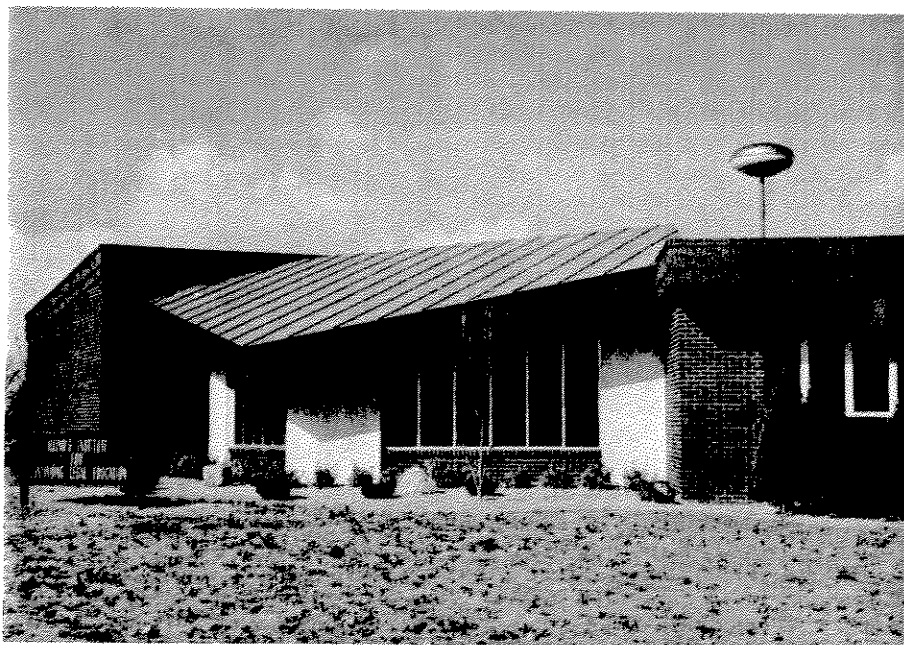
The ISBA Committee on Fair Trial-Free Press has said, "It is not in the public interest to grant an unqualified testimonial privilege to the media, however defined." The bar holds that there is no lawyer-client or priest-confessor privilege in the newsman-news-source relationship. To overcome the tension which has developed between the press and the bar, a joint committee of ISBA lawyers and journalists is seeking to bring about solutions in a manner similar to the agreement achieved by the Illinois Real Estate Broker-Lawyer Accord.

The increased use of marijuana has created a state of confusion between changing social attitudes and laws on local, state and federal levels which deal with the problem in a variety of ways. In recognition of the lag between custom and law, the ISBA

Individual Rights and Responsibilities Section, in July, 1974, recommended the decriminalization of casual distribution or simple possession of marijuana. In a close 53-51 vote, the ISBA Assembly accepted the Committee's recommendation and directed that a proposed bill be drafted to implement the recommendation.

**CONSUMERISM.** The ISBA has been an active proponent for increased protection of consumers. In 1961 ISBA sponsored the Illinois Consumer Fraud Act. More recently, the ISBA has urged passage of the Real Estate Protection Act, no-fault auto insurance and no-fault divorce laws which are basic to the effort to aid in protecting the legal rights of the public.

With respect to the consumer movement, the ISBA has instituted a number of internal changes which will improve the status of the consumer segment of the economy. Credit card payments for legal fees are now permissible under recently revised ISBA policy. Legal advertising has been advocated by some bar leaders as an



The headquarters of Illinois Institute for Continuing Legal Education in Springfield. The building was dedicated June 6, 1975.

## ISBA (cont.)

important aid to individuals looking for the right lawyer. Although advertising has not gained official ISBA sanction, attitudes relating to the traditional bar position on the subject appear to be changing.

Some changes have come swiftly; such a change is the abolition of the minimum fee schedule in the wake of antitrust action against bar associations. The U.S. Supreme Court recently held that antitrust laws are applicable to the legal profession and that fee schedules are *per se* violations of sections of the Sherman Antitrust Act.

ISBA approval in 1976 of the concept of specialization is regarded by many Association officials as a benefit to consumers as well as an improvement in the organization of the legal profession. The ISBA has acknowledged that specialization will benefit both the public and the profession by stimulating lawyers to upgrade their competence through continuing legal education study and practice and by assisting the public and other lawyers to more easily identify lawyers with special experience and expertise in specific areas.

Special forms of consumer aid have been made possible by ISBA action in expanding legal aid and lawyer referral services. In 1971, the ISBA set in motion a plan for a quasi-public legal aid corporation for statewide legal aid. Recognizing the needs of indigent citizens, especially those in urban areas, the ISBA, through the Illinois Legal Assistance Fund, Inc. (ILAF), has worked to receive state and federal grant money to expand legal aid programs. Four programs now receive ILAF funds: the Chicago Volunteer Legal Services Foundation, the Legal Assistance Foundation of Chicago; the Cook County Legal Assistance Foundation and the Land of Lincoln Assistance Foundation.



A LEXIS terminal for computerized legal research was installed at the Illinois Bar Center on a temporary basis October 1, 1975. A permanent terminal has been installed at the CBA headquarters in Chicago. The legal research program is under sponsorship of Illinois Bar Automated Research, Inc., a corporation created by ISBA and the CBA.

With the organized bar's attention focused upon the need to improve the delivery of legal services to middle-income Americans, lawyer referral services have grown rapidly. Using a wide variety of publicity campaigns plus offering the use of a toll-free WATS line, the ISBA has expanded its lawyer referral services program.

During the 1975-1976 Association year, the Committee on the Availability of Legal Services made plans to establish a trust for the creation of an open panel prepaid legal services plan. Prepaid legal services are somewhat comparable in general principles to prepaid health insurance coverage.

**WATERGATE AND PROFESSIONAL DISCIPLINE.** Watergate, the traumatic national experience of the 1970's, raised issues which brought the legal profession into disrepute. On the national level, the ISBA urged the creation of an independent Office of Special Prosecutor to further investigate Watergate; on the professional

level, the ISBA urged tightened procedures to improve and strengthen the legal profession.

Unrelated to Watergate, but important in the matter of lawyer conduct, the ISBA and CBA recommended in 1972 that the Illinois Supreme Court create an Attorneys Registration and Disciplinary Commission to supervise disciplinary actions against errant Illinois lawyers. By an order effective Feb. 1, 1973, the Court issued an order establishing the commission and setting up a registration dues structure to finance the project. The new disciplinary procedure replaces the commission system established by the court in 1933 whereby the governing boards and grievance committees of the ISBA and CBA were charged with the responsibility of conducting grievance hearings and prosecution.

**THE CHIEF EXECUTIVE OFFICERS.** The Illinois State Bar Association has had four chief executive

officers in its 100 year history. In 1916, R. Allan Stephens, a Danville lawyer, was appointed permanent Secretary. He served in that capacity until his death in 1942.

Stephens' son, Attorney Charles B. Stephens, who had served as an Assistant Secretary prior to his father's death, was then chosen to be the Executive Secretary. The younger Mr. Stephens died in 1951 at the age of 41.

As the next Executive Secretary, the Board of Governors chose Amos M. Pinkerton, a Taylorville lawyer, to take over the position. He became Executive Secretary Jan. 1, 1952 and retired June 30, 1970.

Mr. Pinkerton's successor is John H. Dickason, the present Executive Director. Mr. Dickason was business manager of the ISBA for 10 years before he received his appointment by the Board. He is a Master of Business Administration graduate of Dartmouth College. He took over duties as Executive Director on July 1, 1970.

**ISBA INTERNAL IMPROVEMENTS.** Other internal organizational improvements which have made the ISBA more effective in advancing its goals have been computerized legal research, new legislative policies and long range planning.

Computerized research is offered to the state's lawyers through Illinois Bar Automated Research (IBAR), a not-for-profit corporate body sponsored by the ISBA and CBA. IBAR has worked in cooperation with Mead Data Central, the marketer of the system, to computerize Illinois' laws. LEXIS, which is the name of the full and unedited word system, comes through terminals installed in public and private locations. About one dozen private firms have terminals which are used by over 600 Illinois lawyers.

A new ISBA legislative policy, to take a stand on fewer bills, has been credited with improving the overall record of bar-sponsored measures. Fewer appearances by the ISBA seem

to produce more credibility and a better reputation for bar testimony. Evidence of the new policy's success was provided in 1973 when Governor Walker signed into law all the legislation sponsored by the ISBA and CBA. During the 1975-1976 legislative year, instead of thirty or forty ISBA-sponsored bills, only about fifteen of the most important were selected for sponsorship.

The Association has adopted long-range goals. After much soul-searching, the ISBA organized a Long Range Planning Conference in 1972 which reached a consensus on suggestions for improved organizational structure and future action commitments. A consensus of almost 100 members favored a study of internship for law students as a prerequisite to admission to the Bar; certification for legal specialists; continuing legal education for lawyers; revision of disciplinary measures; unification of the bar; expanding lawyers' referral programs; a statewide legal assistance

program; establishment of prepaid legal service programs; regional state's attorneys; a study of a statewide Defender General System; institutional advertising; a program for periodic examination of competence of lawyers; expansion of Association's legislative program; codification of Illinois laws; encouragement of law schools to furnish instructions in the legal ethics area, and establish an awards program for lawyers in recognition of community leadership.

An Award of Merit for individuals was established by the ISBA Board in 1972 for outstanding contributions in the field of Illinois law and for outstanding civic, social and community service not related directly to the field of law. Since then there have been fourteen recipients of the award. Four Awards of Merit were given posthumously to four members of the Board of Governors who were killed in a plane crash February 15, 1975. They were, Jerald Galowich, Richard Kahn, William J. McKenna and Howard P. Sorenson.



Retired Supreme Court Justice Walter V. Schaefer, Lake Bluff, was active for many years in the work of the Illinois State Bar Association before his appointment to the Illinois Supreme Court. He aided in the promotion of the Civil Practice Act. The ABA awarded him its highest honor, the ABA Medal, in 1969 for his achievements as a jurist.

**CONCLUSION.** A brief look at the history of the Illinois State Bar Association reveals that there have been times when the Association lacked luster, but a fair characterization of the organization would have to reveal that its total orientation throughout a one hundred year history has been towards vigorous leadership. Each generation has supplied the ISBA with new ideas and fresh energy, and each year has produced significant action. Anyone reading ISBA annals would have to conclude that the Association has more than lived up to its original resolve to "... cultivate the science of jurisprudence, to promote reform in the law, to facilitate the administration of justice, to elevate the standards of integrity, honor and courtesy in the legal profession, to encourage a thorough and liberal education and to cherish a spirit of brotherhood among members thereof."



## ACKNOWLEDGEMENT

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