



JUSTICE GEORGE W. BRISTOW  
THIRD DISTRICT

## MEMORIAL SERVICES

HELD IN THE SUPREME COURT OF ILLINOIS AT THE  
NOVEMBER TERM, 1962, ON THE LIFE, CHARACTER  
AND PUBLIC SERVICE OF THE LATE MR. JUSTICE  
GEORGE W. BRISTOW

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At the hour of two o'clock P.M., November 19, 1962, other business being suspended, the following proceedings were had:

### MR. CHIEF JUSTICE SOLFISBURG:

The court is now in session for the purpose of receiving a memorial in reference to the life and public service of a former distinguished member of this court, Justice George W. Bristow. You are all aware of the fact that we all were very close to Judge Bristow on this court. I can think of no Judge more deserving of a memorial than Judge Bristow. He certainly had friends in all walks of life. Today we have with us Justice Bristow's widow and four other members of his family. At this time the court will be pleased to hear from the Chicago Bar Association, which is represented here by its president, Mr. Walter Moses.

### MR. WALTER MOSES:

*May it please the court*—I have the honor to participate on behalf of the Chicago Bar Association in these services in memory of Justice George W. Bristow, who died just one year ago on November 12, 1961.

It was the good fortune of our people to have enjoyed the many benefits accruing from the judicial services of Justice Bristow, first for 25 years as a circuit judge of the Fifth Judicial Circuit, then for 9 years as a Justice of the Appellate Court for

the Fourth District and as a Justice of the Appellate Court for the Second District, and for over 10 years as a Justice of this court. He was elected a Justice of this court on June 4, 1951, and re-elected in June, 1960. He served as Chief Justice from September, 1954 to September, 1955, and again became Chief Justice in September, 1961.

No finer tribute could have been paid to Justice Bristow by his fellow Justices on this court than by their action in filing after his death as the opinions of the court eight opinions prepared by him. They appear in Volume 23 Ill.2d. During his services on this court he wrote many opinions, the first appearing in Volume 409 Ill.

One of his most outstanding opinions was rendered while he was a Justice of the Appellate Court, and that was the case of *Johnson v. Luhman*, 330 Ill. App. 598, the decision having been rendered in March, 1947. That was the first decision of any reviewing court of this State holding that minor children might maintain an action for damages against a woman for alienating the affections of their father and depriving them of his support and society and disrupting their home. In so doing he set forth his own deep appreciation of the importance of the family unit in our society and his determination that it should be protected, in the interests of the children, from disruption by third parties.

Other outstanding opinions of Justice Bristow in my judgment are his opinions in this court in *Musbarger v. Franklin*, 18 Ill.2d 344, holding alienable the interests remaining in the lessor or term grantor of oil and gas rights; also, his dissenting opinion in *In re Anastaplo*, 18 Ill.2d 182, 201, and his concurring opinions in the disciplinary cases of *In re Becker*, 16 Ill.2d 488, 500, and *In re Cohn*, 10 Ill.2d 186, 192. The court dealt in the *Becker* case with the applications of the Canons of Professional Ethics to attorney members of municipal legislative bodies, and in the *Cohn* case the court determined the proper discipline for a very successful ambulance chaser who had reformed before his matter came to court. My selection of the last two mentioned cases is no doubt due to my greater familiarity with the issues in those cases, because of my own service while they were pending before this court as one of its Commissioners under Rule 59.

Justice Bristow's opinion in the case of *In re Anastaplo* particularly commands my respect and interest. In that case I was one of the Commissioners who joined in the refusal to certify that Mr. Anastaplo had the character and moral fitness to justify his admission to the Bar. This court upheld that refusal by a 4 to 3 decision. Justice Bristow dissented on constitutional grounds in a very scholarly opinion. These opinions are outstanding demonstrations in my judgment, not only of Justice Bristow's competence as a lawyer and as a writer of legal opinions but also of his independence, courage, humaneness and genuine interest in the protection of human rights.

The fact that Justice Bristow served continuously in judicial positions from 1927, when he first became a circuit judge, to his death in November, 1961, makes manifest his popularity and high standing in the community in which he lived. His assignments to the Appellate Courts by this court continuously during the nine years which immediately preceded his election as a Justice of this court are ample proof of the high regard for his judicial competence entertained by the Justices of this court during that extended period.

His fellow lawyers in the Edgar County Bar Association recently expressed their respect and affection for him by incorporating a foundation designed primarily for the establishment and maintenance of the Justice George W. Bristow Memorial Library in the courthouse at Paris, Illinois.

In his response on behalf of this court to the observations during the memorial services for Justice Maxwell, Justice Bristow revealed his ability to enjoy the lighter side of life by his reference to the human understanding and good humor of Justice Maxwell in his opinion in *People v. Hermens*, 5 Ill.2d 277, wherein Justice Maxwell stated: "This case involves three very bibulous miscreants and nine little pigs that illegally went to market."

Justice Bristow not only excelled as a jurist, but also as a bridge player, in which activity he acquired many master points and the distinction of playing with Charles Goren, "Mr. Bridge" himself. Being an ardent but amateur bridge player myself, I find the mental qualities needed for mastery of the game have much in common with those required for mastery of the law, in-

cluding an understanding of human nature, which is so essential to the administration of justice.

Unfortunately, it was not my privilege to be well acquainted with Justice Bristow, but I found the record abundantly clear. I am sure that his beloved family and close personal friends find genuine solace in the knowledge that our people have benefited greatly and the stature of this court has grown appreciably by reason of the services of this outstanding Justice.

MR. CHIEF JUSTICE SOLFISBURG:

We also have present today the distinguished president of the Illinois State Bar Association, Mr. Mason Bull. We are pleased to hear from Mr. Bull.

MR. MASON BULL:

*May it please the court and members of Mr. Bristow's family—* I am honored to be invited to participate today, as president of the Illinois State Bar Association, in the proceedings before this court in memory of Justice George W. Bristow.

When I was a very young lawyer, I appeared briefly before Judge Bristow, then a young judge, sitting temporarily in Chicago, and although many years passed before I next met him, I had remembered him well because of his quick, almost clairvoyant eyes. In 30 years they did not dim and I am sure they reflected the mind which lay behind them.

Judge Bristow was a fortunate man of many parts, an educated man, a soldier, a great sportsman and lover of the outdoors, a lawyer, a public official, a circuit judge at the age of 33, an Appellate Court judge, and finally, for 10 years, a member of this high court.

His great capacity for work and the persuasive powers of his acute and incisive mind are evident in the many opinions for which he was responsible as a member of this court. That his convictions were strong and his readiness to defend them not backward, may be inferred by the numerous instances in which he was the spokesman for one position or the other of a divided court.

Yet his was not the life insulated from the currents of his

time which judges are sometimes suspected of leading. Justice Bristow's human contacts were many. His zest for living was great and his capacity for friendship enormous. The devotion of his host of friends to him was only equalled by his generosity and concern for them. He believed that people were more important than books, men more important than theories.

Maitland has said that law may be taken "to be the sum of the rules administered by courts of justice" and, further, that "law as we know it in the conduct of life, is a matter of fact; not a thing which can be seen or handled, but a thing perceived in many ways of practical experience." And, again, Holmes wrote to Lady Pollock "On the whole, I am on the side of the unregenerate who affirm the worth of life as an end in itself as against the saints who deny it."

As he was a greatly human person, may Judge Bristow's life remind us that humanity is a large ingredient of justice. I trust that in his Elysian fields the friendships are strong and the hunting good.

#### MR. CHIEF JUSTICE SOLFISBURG:

Next, the court will be pleased to hear from a distinguished lawyer from Justice Bristow's home town of Paris. This gentleman is also a Judge of the circuit court and during his lifetime a close intimate friend of Justice George Bristow. I now call upon Judge Robert Cotton.

#### JUDGE ROBERT COTTON:

*May it please the court*—This autumn day suggests to me that it was one of the days of the season that Judge Bristow most always enjoyed in the pursuit of hunting. This occasion is due to circumstances over which we have no control. It seems most fitting and proper and that it should be in this room and on this autumn day I speak to you this afternoon of an acquaintance with Judge Bristow extending over several decades; as a next-door neighbor for several years and, of course, as a fellow citizen of our city of Paris, Edgar County, and the Fifth District of Illinois. During the Justice's service as a Justice of the Appellate Courts and of this court he wrote many decisions. It was estimated, I think, in the hundreds and, beyond referring to these

decisions as indicating his industry and his ability, I think that the decisions themselves constitute an illuminating and enduring memorial to those who knew him and it will ever be a memorial to those in the future. No words that I may speak or any monument of physical size will excel as a tribute to his memory. As I contemplated these remarks for this afternoon, what statements to make to you, and what inferences and thoughts to suggest to you, my memory reverted to many conversations with Justice Bristow and I am reminded that he would not want me to say things or express lofty sentiments in which we did not believe concerning him. He would not want that we should portray him as a perfect man, that he was always right or that he never made a mistake. His journey through life took him to every part of our great State and beyond. He was born in southern Illinois, and obtained his high school education there. No abundant economic security fashioned his life. He was confronted with every problem, I presume, that confronts a boy without money who desires an education and is ambitious. I suppose that as he went about his chores and duties during his teens in southern Illinois that he could look into the future and dimly see outlines of achievement, security and recognition. But there was no map for him, as there is no map for any of us, showing the roads, the routes, the road blocks or the stop-overs, nor was there anything that would help him in the mechanics of accomplishment and achievement save his own hard work. Indeed, everything was fraught with the mandates of living, not only for himself but for others. It was work through the University of Illinois where, in the last year, he lost the sight of one eye and was threatened with the loss of the other. But he did not surrender, retreat or quit. He continued his studies and went on to Harvard University for one year of law. During this time he could not read and he depended upon listening and remembering. Though the sight of one eye was saved and some little sight of the other returned in later years, the training of listening and remembering abided with him and served him well the remainder of his life.

At this point World War I was upon him. He could have, with every vestige of right and propriety, entered the lush field of high wages and comfort but rather he committed to memory

the examining doctor's eye charts and donned the uniform of his country. This led to 16 months overseas with the ordnance corps, hauling ammunition to the front lines. When he returned, no G.I. Bill of Rights secured to him further education and he returned to Paris, Illinois, where he lived with his uncle, Frank Bristow, and studied in the office of Frank Van Sellar during that fall and early winter. He then took the bar examination, passed it, and set sail upon the broad seas of the profession of law. He early entered politics—was State's Attorney of his county from 1920-24 and was defeated for re-election. This defeat, in later years, he described as being due to the fact that the senior members of his political party had decided that he was too big for his britches. In 1927 he was elected as judge of the circuit court of the Fifth District and he continued in this position until 1951, when he was elected to the Supreme Court. As a neighbor and as a friend, I would say to you that he was not amongst his fellow citizens of Paris and Edgar County often referred to as Judge Bristow but rather as George. And George enjoyed life. He liked people, and one could frequently see him coming out of the hospital where he had been to see a friend. More than likely it was a friend who was some poor person who had befriended George in earlier days. Race, color or creed made no difference to him. We could expand this record of his life for repetition almost to any extent but, in addition to this, he projected his friendship into all fields of his friends and their friends—it might be a business man in financial trouble, or a death in a family, or a scholarship or entrance into some school or university, and all of these things would be found out by accident later and his family likely would be the last one to find out about it.

I would be unmindful if I did not mention his home. There was always some activity, someone coming and someone going. It was one of those homes that had unostentatious dignity and an atmosphere of cordiality and affection. He had married Beryl Love of Danville and they have three children: Dr. David Bristow of Effingham, Mrs. Leonard Wolfe of Paris, and Mrs. Leonard Perlmutter of Denver, Colorado.

In the second year of his second term as a Justice of this



court, when he had successfully climbed the steep mountain of life to success, achievement and recognition, when the dim outlines of life, as he could but dimly see as a teen-age boy of southern Illinois, were achieved, his children educated, married, and had homes of their own; and when he and Beryl could look down the mountain, when the remainder of the journey would be comfortable and enjoyable, came the day when some omnipotent power said to him, if I may borrow the words of the poet:

“Thou shalt lie down—  
With patriots of the infant world—with kings  
The powerful of the earth—the wise and the good  
Fair forms and hoary seers—ages apart  
All in one mighty sepulcher.”

If it please the court, may I say that I am humble and honored to have had the privilege of speaking here this afternoon on this occasion, speaking on behalf of our city and of our county and of our judicial district. It was my purpose and my hope, as a friend and admirer of Justice Bristow, that I might leave the image of your late fellow jurist to you and all of our friends and honored citizens as that of a typical American boy who, by sheer power, determination and assiduousness, fought the battle of life and won—that he typified by his life the possibilities of every boy who desires to achieve and accomplish. I leave the image that he was a kind and benevolent man, a grateful man, and, last but not least, that he was a part and parcel of our city and our county, and his passing dealt us a serious loss. I thank you.

#### MR. CHIEF JUSTICE SOLFISBURG:

It is with keen interest that we have listened to the remarks of these three distinguished men. This court receives with deep appreciation and gratitude these remarks concerning our beloved friend, the Honorable George W. Bristow. Mr. Justice Joseph E. Daily of this court and senior Judge, has known Justice George W. Bristow perhaps longer than most any of the rest of us. I think they started sitting together some 35 years ago in Chicago. In any event, their acquaintanceship covers many, many years. I think it is only proper that we now call upon Mr. Justice Daily to respond for the court.

## MR. JUSTICE DAILY:

The court receives with deep gratification the tributes this day presented from the bar to the service and life of an able and faithful member of this court, who was taken from us with tragic suddenness in the midst of his career, as judicial careers are reckoned.

Of the many bereavements which we have heretofore to deplore, no one has given us more sincere sorrow than the death of Judge George Washington Bristow. In all respects, he was a man to be loved and admired; as a lawyer, learned and accomplished; as a judge, of transcendent ability. To those who knew him intimately, and I am of that number, his death is a great personal affliction.

I have been chosen to represent the court on this occasion and I deem it a great privilege to give this tribute to a great man of Illinois.

My acquaintance with George Bristow commenced in 1927 when he and I started our long service as visiting judges in the trial courts of Cook County, and during the thirty-four years that have passed between that early date and his death, we came to know one another very well through close association, and we have long been under each other's observation, with unbroken friendship and unbroken respect.

Our good friend George was born and raised down on the Ohio River in the southern part of this State, and after public school attendance in his home town, he went to the University of Illinois and received his college education. Following that study, he entered Harvard University Law School with the intention of obtaining his law degree from that institution. However, his work there was interrupted and cut short after but one year of study by his entry into the army in the First World War. I have been told by several of his companions in such war service of the hardships and sufferings that were his lot in actual trench warfare in France; stories that could only be believed by those that knew the stamina of George Bristow. Upon his return to this country after the war, he resumed the study of law and was admitted to the Illinois bar in 1920. Soon after he entered the practice of law in Paris, in Edgar County, he was elected State's

Attorney of that county and but three years after the expiration of his term in that office he was elected judge of the circuit court in his own circuit. From that date until his death, his entire life was spent in the judicial branch of the State government. During his tenure on the circuit court, he was chosen by appointment of the judges of the Supreme Court to act as judge of the Appellate Courts at Mt. Vernon and later at Ottawa, and for many years he performed without additional compensation noteworthy service in those courts. After four full terms of six years each on the circuit court, he was elected in 1951 as a judge of the Supreme Court and he was serving his second term as Chief Justice of this court when he was taken from us by his untimely death.

No one knows better than his associates on this court the great attributes of George Bristow, and I want to express my thoughts of their sincere feelings about him. His knowledge of the law gained by this study and court experience was only too well known to us and the hundreds of opinions written by him while serving on the Appellate and Supreme Courts, and now in our permanent law books, will live as absolute proof of his sincere and well analyzed expression of law and justice. He inspired respect in his colleagues and in the bar. Not an artificial or a grudging respect, but a respect springing from the spirit. He left us a quality which was his very own and which will rest like a hand on our shoulders as long as we live.

We know that throughout his life, George was not only esteemed but beloved by all who knew him. He was not only a patient and tolerant man, but he was generous and just, and, above all, humble. I really believe that he had as large a personal acquaintance in this State as any one of his time.

He had the warm and lasting regard of the bar and his courteous and helpful contact with his people generally gained him their love. The warmth and beauty of the personality that gained it made such thoughts of him remain to the end. George Bristow spent his entire life doing things for other people and I know of no occasion in his life when he ever thought of injuring anyone. His great love of sports of all kinds added to give him a happy, full and eventful life. His enjoyment of

sports came from the result of being with people, talking with people and competing with people. The ineffable sweetness of his disposition impressed itself upon all who knew him and, as it was said of Abraham Lincoln, he found great comfort from the inevitable trials and tribulations of the world in the humorous anecdotes told of and by him, which always brought the relief of merriments.

No one ever enjoyed his home life to a greater extent than did our old friend, and the mutual affection and love to and from his good wife, children and grandchildren can give them now much contentment and treasure in the heaven of their hearts.

The significance of this good man's life and labors will endure so long as the record of a consecrated spirit has power to move the lives of men.

#### MR. CHIEF JUSTICE SOLFISBURG:

The remarks made here this afternoon will be spread upon the records of the court and copies thereof will be transmitted to the family of the late Mr. Justice George Bristow by the Reporter of Decisions. A tape recording has been made of all that has been said here on this occasion and this tape will be sent to the family also.

As a further mark of respect, the court will stand adjourned until 9:30 tomorrow morning.

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