

MEMORIAL SERVICES

HELD IN THE SUPREME COURT OF ILLINOIS AT THE FEBRUARY TERM, 1941, ON THE LIFE, CHARACTER AND PUBLIC SERVICES OF THE LATE MR. JUSTICE
NORMAN L. JONES.

At the hour of nine o'clock, A. M., February 13, 1941, other business being suspended, the following proceedings were had:

Mr. CHIEF JUSTICE GUNN:

This hour has been set apart for the purpose of receiving a memorial for the late Mr. Justice Norman L. Jones. The memorial will be presented on behalf of the Illinois State Bar Association by its president, Albert J. Harno, Dean of the College of Law of the University of Illinois.

Dean ALBERT J. HARNO:

May it please the court—I desire to present the following memorial:

"Norman L. Jones, the son of John and Minerva E. Jones, was born at Patterson, Illinois, September 19, 1869. A member of one of the pioneer families of Greene county, he was born in and remained a life-long resident of that county. He was educated in the public schools of Carrollton, attended Valparaiso University for a year, and then was admitted to the United States Military Academy at West Point. After two years of training, he resigned from the Military Academy because of the illness of his father, returned to Carrollton and began the study of law in the office of H. C. Withers. He was admitted to the bar of Illinois in 1896.

"The youngest man ever to sit in the Illinois House of Representatives, he was elected to serve the first of two terms in that body at the age of twenty-one. In 1900 he became associated in the practice of law in Carrollton with the late Congressman Henry T. Rainey. From 1902 to 1910 he was city attorney of Carrollton and from 1912 to 1914 State's attorney of Greene county. On being elected judge for the seventh judicial circuit, to fill a vacancy, he terminated his partnership with Congressman Rainey in 1914 and resigned as State's attorney. He was reelected circuit judge in 1915, 1921 and 1927, each time without opposition. From 1921 to 1931, he served as a member of the Illinois Appellate Court for the Second District. In 1931, he was elected to the Supreme Court of Illinois to fill a vacancy caused by the resignation of Mr. Justice William M. Farmer, and, in 1933, he was reelected to that court. He served as Chief Justice of the court in 1934-1935, and he again assumed that position at the June, 1940, term.

"A leader in the Democratic party, he was the nominee of that party for Governor of the State of Illinois in 1924, and served as a delegate to several Democratic national conventions. For many years he was an active member of the Illinois State Bar Association.

"In 1906, he married Miss Almeda Pegram, of Carrollton, who, with one son, Norman P. Jones, a member of the Illinois bar, survives. Judge Jones died at Our Saviour's Hospital, in Jacksonville, on November 15, 1940."

This, in brief, is a statement covering the principal events in the life and the career of Judge Jones. But, if the court will permit, I wish to add a more personal statement. Judge Jones' life was not marked by a mere succession of events. His life was eventful. He was an intensely human individual and he was a personality. He was one of the great political figures of the State; he was an able judge, an able lawyer. But, withal, he was a man simple in his tastes—unassuming and companionable. He was a friendly man who was deeply interested in others, and his wise counsel was sought by and gladly given to many people. These traits enshrined him in the hearts of his friends and they account in no small measure for his success.

The legal profession in Illinois has furnished many gifted and distinguished leaders to our State and to our country. We are gathered here to commemorate the passing of one who is entitled to a place in that illustrious company. On behalf of the Illinois State Bar Association, I move that this memorial be spread upon the records of this court.

Mr. CHIEF JUSTICE GUNN:

The court will now hear from Mr. Gilbert K. Hutchens of Carrollton:

Mr. GILBERT K. HUTCHENS:

May it please the court—I rise to speak in support of the motion before the court. The solemnity of this occasion obliterates my inability to do justice to the task assigned to me. I appear before you as the representative of one of the smallest county bar associations in this State, but a bar, gentlemen, proud to boast that in its membership was included the name of Norman L. Jones.

Although born of pioneer stock, Judge Jones never had to apologize for his parentage, yet, on occasion, he mingled with the most elite. Educated in our public schools, he builded well the foundations upon which he erected his broad and deep knowledge of the law. As a public school teacher he took occasion to study human nature—its actions and re-actions—all of which he later turned to good account both as a lawyer and a judge. He resigned a cadetship at West Point after two years of intensive study and training because of his father's illness, but the military life had no lure for one possessed of such a lovable character as was his. The law became his mistress and politics his handmaiden, and if he worshiped at the shrine of one, the homage which he paid to the other might be termed idolatrous, for when he had barely reached his majority, he was elected a member of the House of Representatives. There he took his place among the veterans of that body and gave of his time, his talent and his efforts to the best interests of the State of Illinois. Born, reared and trained a Democrat, he early chose as his ideals in government, Thomas Jefferson, Andrew Jackson, and Stephen A. Douglas, who, himself, once graced this bench, and from the day Judge Jones entered

politics until his passing, his counsel and advice were sought and heeded by the Democracy of both the State and the Nation. Admitted to the bar of Illinois when our local courts had practicing before them such stalwarts as Judge Thomas Henshaw, Judge J. M. Riggs, Jerry Sullivan, F. A. Whiteside, and Mark Meyerstein, Sr., he early found himself in legal combat and forensic debate with any and all comers, challenging their leadership at the bar, and readily proving his mettle to be worthy of the steel of any foe. Vigorous in the prosecution or the defense of a client's position, astute, yet ethical in his trial tactics, dynamic in argument, and courteous to his opponent, he ever maintained the respect of the judge, the jury, his client, and his adversary. He allowed no client to purchase his venom as an advocate. Because of his analytical mind, it early became apparent that he would gravitate from the bar to the bench, where he always conducted the court with decorum, adjudicated causes of action without fear or favor, and tempered justice with mercy, when occasion warranted it. Such talent as he possessed demanded expansion in broader fields of endeavor. He aspired to be the Governor of this commonwealth, but fate decreed otherwise. What the executive department of the government lost, the judicial branch gained, for in August, 1931, the people of his district elected him to wear the ermine in this court, an honor justly merited by one whose ambition from the day he was called to the bar had been to preside over the deliberations of this court. His rise from janitor of our courthouse to the position of Chief Justice of this honorable court was phenomenal and demonstrates the fact that a sunny disposition, and a cheery salutation—and these the deceased had—are the keys which unlock the heart of any man, whether he be prince or beggar, elevator boy or manager, bell-hop or Governor. Each and all were friends of the dead. The decedent's life is an exemplification of what any boy can do and become, where there is a will to do, in a democracy that functions properly. Lettered monuments of granite and bronze, betokening the esteem of a grateful people might be erected to commemorate the services which he rendered this commonwealth. These are things perishable. The Hanging Gardens of Babylon, once one of the Seven Wonders of the World, are no more and no trace of them can now be found. The Pyramids and Sphinx of Egypt, centuries old, are slowly but

surely crumbling to atoms before the assault of the elements. The deceased has builded well his own monument. For a period of twenty years he has written opinions found in sixty-eight volumes of both our Appellate and Supreme Court Reports, skilfully and scientifically applying the early rules of the common law and equity to the conditions of a complex age fraught with social evolution and pregnant with revolution against the landmarks of the past, thus adding luster to the names of Coke, Littleton, Chitty, Marshall, Storey, Phillips and scores of other great judges, who, by their opinions, have given shape and design to the course which the law has taken since its origin. What a heritage for the son of such a father, for the Justices of this court, for the members of the bar now living and for those yet to be admitted to our profession! His life will ever be an inspiration to all of us and the memory of him will be a benediction.

MR. CHIEF JUSTICE GUNN:

The court will now hear from the Hon. Warren H. Orr, a former associate of Mr. Justice Jones on this court.

HON. WARREN H. ORR:

May it please the court—We come here today to pay our tribute of love and respect to the memory of one who devoted the last nine years of his life to the important work of this court. Those were undoubtedly his happiest years. His written opinions are in themselves a splendid memorial of his ability that will always add lustre to the records of this court. This is no time or place for an oration. Rather at this hour with the vacant chair of Judge Jones before us, our thoughts and memories naturally turn more to simple truths, which need no embellishment of words.

The men who seem to have succeeded best in life have always been cheerful and hopeful men, who went about their business with a smile on their faces, and took the changes and chances of this mortal life like men, facing rough and smooth alike as it came. Judge Jones was this type of man to a superlative degree. His lifetime ability to make and keep thousands of friends was his preeminent characteristic. Nature endowed him with the attributes of a gentleman, affable and courteous at all time. His uniform kindness of heart and integrity of purpose inspired for him a

warmth of affection difficult to picture in the words of the moment. Off the bench, he mingled with people of all classes and walks in life. His prestige and popularity were State-wide. He was without doubt the best known and best loved man of Greene county, and when he ran for office his home folks voted for him almost to a man, Democrats and Republicans alike. His pride was never inflated by his success and he never lost the human side which was the most lovable part of his nature. He never sought to exploit himself as a judicial officer, but constantly strove, as a judge of this court, to perform his duties in a manner not to attract public attention to himself, but rather that the court might at all times deserve and enjoy the respect and confidence of the people. Among all the public officials of Illinois, he was acknowledged as the kindest character of his generation. No other man of his keen intellect and high position has ever been known to exhibit his every-ready smile, his cheerful greetings and his kindly and helpful disposition. In any gathering of men or women, he easily became the central figure, with his ready wit, his lively sense of humor and his glowing personality. It can safely be said that no man in Illinois, in or out of public life, had as many devoted friends as he had—friends whom he could call by their first names.

Judge Jones not only loved and served his myriads of friends, but held their respect for his loyalty and devotion to duty and for the tolerance, justice and high ability displayed throughout his entire judicial career of twenty-six years on the circuit, Appellate and Supreme Courts of this State. On the bench his courtesy and open-mindedness were always evident to those in the court room. When off the bench, his genial disposition, charming manners and ready wit always made him a delightful companion. Attorneys and the public alike had faith in his ability, integrity and impartiality. In the conference room, those who served with him were always impressed with his keen knowledge of the law, with his desire to do fundamental justice despite technicalities and especially with his passion to temper justice with mercy, sympathy and tolerance. One of his favorite expressions which all who have served with him will always remember was: "Here is a case where I think we can properly administer a little milk of human kindness." His gentle and forgiving manner, his constant desire to help some poor unfortunate soul where extenuating circumstances might exist,

were not signs of weakness, for, when justice demanded the full penalty of law for some dastardly crime, he never exhibited weakness or indecision.

Judge Jones was known as an able and fluent orator. His easy manner, his confidence in himself, his wide range of reading and knowledge of human affairs and his wide command of the English language made his extemporaneous speeches occasions of delight for any audience. His desire for grammatical correctness, and, as the members of this court well know, even his insistence upon the correct pronunciation of words, were constant proof of his well-rounded education. His opinions were gems of legal learning, couched in as excellent form and style as have ever been written by any judge of any high court in this land. These opinions will ever remain as a monument erected by himself and will endure and be read and admired by lawyers and judges so long as our present system of jurisprudence exists.

In his beautiful home life Judge Jones was known and seen at his best. Ever devoted to a sweet and loving helpmate, no man ever took more pride in his home and family than he. His solicitude for the well-being of his wife and son were only equalled by his jovial and tolerant disposition. His family always came first and their wishes were always commands upon his time and service. When Mrs. Jones once quietly told him in my presence that, court or no court, he was not going to drive to Springfield on a stormy night, he cheerfully replied: "Well, the law has spoken." He went farther than most men in looking after the details of the home management and thus cheerfully relieved Mrs. Jones of many chores and anxieties. The pride and joy of his life was naturally found in his stalwart son, Norman P. Jones. In fact, perhaps the happiest of his many happy days was the day when, as Chief Justice, he administered the lawyer's oath to his boy.

After all, the highest tribute that can be paid to any mortal is that he used his strength to a large extent in doing good for others. Gauged by this rule, Judge Jones has earned for himself this highest award to an almost unexampled degree. The constancy of his love and affection at home and his daily service of good deeds for his countless friends all added to the sum of human joy. Were everyone for whom he did some loving service to bring a blossom to his grave, he would always sleep beneath a wilderness

of flowers. He left this court and the world better than he found it; he never lacked appreciation or failed to express it; he always looked for the best in others and gave the best he had. His life was an inspiration; his memory is a benediction.

Mr. CHIEF JUSTICE GUNN:

Mr. Justice Farthing will respond on behalf of the court.

Mr. JUSTICE FARTHING:

The great orator Wendell Phillips began one of his most celebrated orations by saying that if he were to speak to Englishmen of England he would tell them of Wellington because they believed no honor great enough to pay to "the Iron Duke"; that if he were to speak of France to Frenchmen, he would tell of Napoleon because they believed no lilies white enough to lay upon the grave of the "Little Corporal"; and that if he were to speak of America he would take his words from the hearts of Americans and speak of Washington because we believe no marble white enough upon which to carve the name of the father of this country.

You who have spoken of Judge Norman Lemuel Jones have spoken from your hearts. May I join with the noble sentiments and the tributes you have expressed in honor of his memory? I do not choose to repeat the facts concerning his life, his extraordinary and magnificent public service, or his fine talents and achievements as a judge of the circuit, Appellate and Supreme Courts of this State. To me these things are most noteworthy and remarkable but I shall always feel a deep abiding love and affection for him the more as a man and as a friend.

That friendship is like all true friendships, a thing of inspiration and a cherished treasure. And it brings to my mind the lines:

"Like tides on a crescent sea beach
 When the moon is new and thin,
 Into our hearts high yearnings come welling and surging in;
 In from a boundless ocean whose rim no foot has trod
 Some of us call it longing,
 And some of us call it God."

Friendships can only be based upon understanding and they result from our appreciation of the fine qualities of heart and mind we discover in a friend. Those attributes were what marked

Judge Jones and set him apart. If we were to select the best words in all the English language we would include at the top of the list such words as integrity, loyalty, fidelity, faith, hope and loving kindness. All the multitude who were his friends knew instinctively that this was a man of integrity; not the kind of integrity that appears to the crowd but that stays with him who possesses it when he is alone. All who ever knew this man knew of his loyalty to his beliefs, to his principles, to his loved ones, to his country and its institutions. All knew too, of his unswerving fidelity to the many trusts individuals and the public placed into his keeping.

His faith was just as unquestionable as his fidelity. He believed in God, the right, the truth, the people of our land, and in its future. He not only had faith but with it he joined his hope and because he knew that "faith without works is dead" he fought as any good soldier fights to realize his hopes, his dreams and ideals.

It is true that "Whom the people trust, they delight to honor." Honors did not affect this friend except to bring to him the sense of duty and the realization that they are empty unless lived up to.

The last quality I have mentioned is his loving kindness. It was not reserved for his beloved wife and son, alone, but it was extended to all he knew. It was all-embracing and extended to his host of friends but it did not stop there. The true measure of a man is not so much the treatment of his equals but how he treats those less fortunate and of lower social standing. Here, again, this great and good friend drew from that store of loving kindness and lavished it on those whose place in life was obscure. I have never known a man who had so many friends or who could day by day and year by year, in season and out, make everyone he met feel that he had a deep personal interest in him.

With all this he was a man of courage and of action. Mention has been made of his training at West Point. He always regretted the fact that his father's illness prevented his completion of his course at that school but whether he obtained a commission as an officer, or not, he was for all his mature years a soldier. If there was a right to be maintained or if there was need to protect and defend he was quick to enlist and his courage was never daunted.

We have created here today a public record for the men and women of the future. I know no better or more lasting monument

than that which we have today recognized and recorded. This is such a monument as James Whitcomb Riley described when he said:

"A monument for the soldiers!
And what will ye build it of?
Can ye build it of marble, or brass or bronze,
Outlasting the soldiers' love?
Can ye glorify it with legends
As grand as their blood hath writ
From the inmost shrine of this land of thine
To the outmost verge of it?"

"And the answer came: We would build it
Out of our hopes made sure,
And out of our purest prayers and tears,
And out of our faith secure;
We would build it out of the great white truths
Their death hath sanctified,
And the sculptured forms of the men in arms,
And their faces ere they died.

"And what heroic figures
Can the sculptor carve in stone?
Can the marble breast be made to bleed,
And the marble lips to moan?
Can the marble brow be fevered?
And the marble eyes be graved
To look their last, as the flag floats past,
On the country they have saved?"

"And the answer came: The figures
Shall all be fair and brave,
And, as befitting, as pure and white
As the stars above their grave!
The marble lips, and breast and brow
Whereon the laurel lies,
Bequeath us right to guard the flight
Of the old flag in the skies.

"A monument for the soldiers!
Built of a people's love,
And blazoned and decked and panoplied
With the hearts ye built it of!
And see that ye build it stately,
In pillar and niche and gate,
And high in pose as the souls of those
It would commemorate!"

Mr. CHIEF JUSTICE GUNN :

The memorial to the late Mr. Justice Jones, and the remarks relating thereto, will be spread upon the records of this court, and the Reporter of Decisions will publish them in the Reports. As a further mark of respect to the memory of our deceased associate, this court will now stand adjourned.

REPORTS
OF
Cases at Law and in Chancery

ARGUED AND DETERMINED IN THE

SUPREME COURT OF ILLINOIS.

VOLUME 376

CONTAINING CASES IN WHICH OPINIONS WERE FILED IN DECEMBER,
1940, AND FEBRUARY, APRIL AND JUNE, 1941, AND CASES
WHEREIN REHEARINGS WERE DENIED AT THE
APRIL AND JUNE TERMS, 1941.

SAMUEL PASHLEY IRWIN,
REPORTER OF DECISIONS.

BLOOMINGTON, ILL.
1941