

Walter T. Gunn
1938-1951

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Justice Walter T. Gunn was born in the Illinois River town of Seneca in LaSalle County on June 4, 1879. His parents, Luther V. and Alice E. Rogers Gunn farmed there. The family



relocated in 1890 to Hoopeston, just north of the Vermilion County seat of Danville. He attended local schools and later worked his way through Hoopeston's Greer College, from which he received a Bachelor of Science degree. Although his mother hoped that he would become a clergyman, his father wanted him to be an engineer. Consequently, he enrolled at the University of Illinois at Urbana to study engineering.¹

After the first year, however, he dropped out and enrolled in the law school at Illinois Wesleyan University in Bloomington. In preparation for his legal education he claimed to have read William Blackstone's *Commentaries* four times before he entered law school. In this way he was able to complete two years of school work in one year. Even so, his money ran out before he could complete his courses. He taught school briefly for fifteen dollars a month. Before long he heard of a position in the Vermilion County State's Attorney's office that did not require a law license. He considered not taking the job, because it paid even less than school teaching, until a friend advised him that experience in the county office would be invaluable. Because of that experience and four additional months of study he passed the bar in 1902.²

From 1903 to 1911, he partnered with John W. Keeslar in the firm Keeslar & Gunn. At the same time he served as an Assistant State's Attorney for Vermilion County. In the latter capacity he helped prosecute Iroquois Theater owner William J. Davis for manslaughter in the sensational trial in 1907 that followed the catastrophic 1903 fire in Chicago. The trial had been moved to Danville from Chicago after years of defense maneuvers. In the end, neither Davis nor any of the others charged with responsibility in the blaze that killed over 600 people were found guilty. During this period he also served as Master in Chancery for the United States District Court from 1904 to 1911.³

He decided to move to Los Angeles in 1911. He was admitted to the California bar and opened a law office with Jay Briggs of Hoopston. Their plan was to specialize in oil and mining law. For unknown reasons, in about two years they closed their office and returned to Illinois, where back in Danville Gunn began to build his law practice and to create a role for himself in the community.⁴

In 1904, he married Nina Dayton with whom he had two children, Horace E. Gunn and Margery Gunn Hickman. Eventually he would have five grandchildren. Later in his life, Gunn would practice law with his son, who would establish a life-long practice in Danville.⁵

After his return to Danville, he served as corporation counsel for the city from 1915 to 1919. He added the Masons (where he would be distinguished with the thirty-third degree), the Elks, Kiwanis, and the Knights of Pythias to list of memberships which also included his professional memberships in the Illinois State Bar Association and the American Bar Association. He also found the time to serve as the president of the Danville Country Club, where he had been a founding member.⁶ He also tried his hand at business, becoming a founding

partner, together with his former California law partner Jay Briggs, in a firm that was to manufacture railroad crossing gates, engines, and other machinery.⁷

His practice covered all facets of the law. He became known as an aggressive, brilliant, and unrelenting lawyer, gaining the respect of his fellow attorneys. In the 1920's, he took over Walter C. Lindley's law practice when Lindley became a United States appellate justice. It became the firm Buchwalter, Gunn & Hickman, which included his son Horace and son-in-law Robert Hickman. He was with this firm his entire life, except for the period in which he served on the Supreme Court.⁸

In September 1937, Supreme Court Justice Lott C. Herrick died in office, leaving the third district with a vacancy that had to be filled through a special election, since there was more than one year remaining in Herrick's term. In May 1938, Gunn was nominated by a county convention to run for the bench as a Republican in the election that was scheduled for June 27. His opponent was Democrat Joseph L. McLaughlin of Sullivan. Although it was a judicial election, there was considerable and unpleasant campaigning. McLaughlin had the support of Governor Henry Horner, who was intent on having another Democrat on the Supreme Court. Republicans countered with the claim that the governor wanted to politicize the court. After the short but bitter campaign, Gunn won the election by 15,000 votes out of the more than 147,000 cast. Gunn was sworn in on July 1, 1938, just a few days after the election.⁹ He was reelected to a full term without an opponent in the regular judicial election of 1942. He declined to run again in 1951 upon medical advice, after serving on the court for thirteen years that spanned the Depression, World War II, and post-war recovery. He was Chief Justice for the year beginning September 1940. During the war years he made it known that he was a strong supporter of civil

rights.¹⁰ He returned to his private office in Danville where for the remainder of his life he practiced with his son and son-in-law.¹¹

Gunn called himself “an ordinary country lawyer by profession and a liberal conservative philosophically.” In his straightforward approach to the law he said that he assumed “seventy-five percent of controversies are solved when you accurately know the facts.”¹² However modestly he may have portrayed himself, during his time on the bench was responsible for writing 481 opinions as well as numerous dissents. He had a remarkable memory and many times amazed attorneys and colleagues by quoting from memory the volume and page of the official reports of court decisions.¹³

Gunn liked to read the works of Charles Dickens. In his opinion Dickens was “almost as universal as Shakespeare.”¹⁴ Yet when it came to the laws of Illinois, Gunn liked to read the opinions of Justice John Scholfield, who served on the court from 1873 to 1893, the decades immediately following the adoption of the state’s constitution of 1870. Scholfield’s scholarship served as a guide for him to follow.¹⁵

Walter Gunn died the day after he was admitted to Danville’s Lake View Hospital (now operating as Provena United Samaritan Hospital) on October 13, 1956. He left behind his widow, Vina, his two children and five grandchildren. He also had a brother, Robert Gunn of Peoria, and two sisters, Myra Forshier of Kankakee and Jenny Ray of South Bend. There was a small funeral service at the Berhalter Funeral Home followed by cremation.¹⁶

Following his death one of his colleagues on the court commented that “while he was always firm in his convictions and forthright in his expression of them, he was never harsh and never sought to force his will upon his colleagues. He was not moved by idea of self-aggrandizement and always gave the fullest consideration to the views of those who opposed him

His attitude was courteous and scholarly and could accept discussion and criticism of his position with open judicial mind he possessed.”¹⁷

¹ 12 Ill. 2d 14 (1957); *Chicago Tribune*, 1 July 1938, p. 9; *Danville Commercial-News*, 13 October 1956, p. 1.

² *Chicago Bar Record*, vol. 39 (1957-1958), p. 475; *Chicago Tribune*, 1 July 1938, p. 9; Sylvester Quindry, *Practicing Law, When Where and How*, (Washington D.C.: Washington Law Book Company, 1938), p. 127.

³ *Chicago Bar Record*, vol. 39 (1957-1958), p. 475; *Chicago Tribune*, 1 July 1938, p. 9.

⁴ *Proceedings of the Illinois State Bar Association 43rd Meeting*, 1919, (Danville: Interstate Publishing Printing, 1919), p. 96; Joseph Clement Bates, *History of the Bench and Bar of California*, (San Francisco: Bench and Bar Publishing Company, 1912), pp. 335-336.

⁵ *Ibid.*; James Fifield Clarke, *American Bar 1962*, (Minneapolis: J.F. Clarke, 1962), p. 19; *Chicago Bar Record*, vol. 39 (1957-1958), p. 475.

⁶ *Ibid.*; *Danville Commercial-News*, 13 October 1956, p. 1.

⁷ *Iron Age*, vol. 54, no. 4 (January-June 1915), p. 276.

⁸ *Danville Commercial-News*, 13 October 1956, p. 1.

⁹ 12 Ill. 2d 14 (1957); *Chicago Tribune*, 7 May 1938, p. 8; *Chicago Tribune*, 29 June 1938, p. 2.

¹⁰ *Chicago Bar Record*, vol. 23 (1941-1942), p. 353.

¹¹ 12 Ill. 2d 14 (1957); *Chicago Tribune*, 12 April 1942, p. 5; *Chicago Tribune*, 9 September 1941, p. 8.

¹² *Chicago Tribune*, 1 July 1938, p. 9.

¹³ Donald S. Baldwin in a memorial delivered May 13, 1957, 12 Ill. 2d 14.

¹⁴ *Chicago Tribune*, 1 July 1938, p. 97.

¹⁵ Justice Joseph Daily in a memorial delivered May 13, 1957, 12 Ill. 2d 19.

¹⁶ *Danville Commercial-News*, 13 October 1956, p. 1.

¹⁷ Justice Joseph Daily in a memorial delivered May 13, 1957, 12 Ill. 2d 19.