



JUSTICE WALTER T. GUNN
THIRD DISTRICT

MEMORIAL SERVICES

HELD IN THE SUPREME COURT OF ILLINOIS AT THE MAY
TERM, 1957, ON THE LIFE, CHARACTER AND PUBLIC
SERVICES OF THE LATE MR. JUSTICE
WALTER T. GUNN

At the hour of two o'clock P.M., May 13, 1957, other business being suspended, the following proceedings were had:

MR. CHIEF JUSTICE KLINGBIEL:

This hour has been set aside for the purpose of receiving a memorial concerning the life and public services of the late Mr. Justice Walter T. Gunn. The court will be pleased to hear from Mr. Donald S. Baldwin of the Third Supreme Court District, who will speak for the members of the Vermilion County Bar Association.

MR. DONALD S. BALDWIN:

May it please the court—I count it a high honor and a deep personal privilege to represent and speak for the members of the Vermilion County Bar Association on this occasion when we meet to honor the memory of the late Mr. Justice Walter T. Gunn.

I speak not only for the members of the Vermilion County Bar Association but also for the many, many lawyers throughout the State of Illinois, who knew him personally and intimately, when I say it is with heavy hearts that we mark the passing of a fine lawyer, an eminent jurist and a loyal, kind and valued personal friend.

Judge Gunn was born at Seneca, in La Salle County, Illinois, on June 4, 1879. He received his early education in a country school near Hoopeston, in Vermilion County, and at Greer College at Hoopeston. In 1901 he graduated from the law school of Illinois

Wesleyan and was admitted to the bar in Illinois in 1902 and embarked upon a long, fruitful and successful career in the law and all of its phases.

During the course of his career he served as assistant State's Attorney in Vermilion County, corporation counsel of the city of Danville, and master in chancery for the United States District Court for the Eastern District of Illinois.

Judge Gunn soon became known as an aggressive and brilliant lawyer and an unrelenting, tireless and resourceful fighter for the legal rights of his client. He quickly gained the utmost respect of his fellow lawyers as an opponent worthy of their steel.

His practice was wide and varied and embraced all of the branches, phases and facets of the law, both on the law and chancery side.

It was my good fortune to become acquainted with Judge Gunn upon my admission to the practice in 1930. I came to know him well as a brother lawyer, as a judge, and as a frequent golfing companion. He was an avid and enthusiastic golfer and he played golf just as he practiced law—he played skillfully, he never gave up, and he was always trying to beat you.

In 1938, at the urging of the members of the bar, Judge Gunn became a candidate to fill the vacancy on the Supreme Court of Illinois created by the death of Justice Lott Herrick, who died in office. In June of 1938 Judge Gunn was overwhelmingly elected to fill the unexpired term of Judge Herrick. In 1942 he was elected without opposition to serve a full nine-year term.

Judge Gunn brought to this court a vast reservoir of practical experience in the application and impact of law and legal principles on the day to day lives and living of our citizens and an incredible fund of knowledge of the law. He had a remarkable memory, and in an amazing number of instances was able to quote from memory the volume and page of the official reports of the decisions of this court wherein a certain legal principle was announced or established.

Throughout his service as a member of this court he was ever impelled by a consuming concern that the decisions and opinions of this court and the rules of law therein promulgated be built upon a solid foundation of sound legal reasoning. He was ever

conscious of and constantly wary of the old saying that "harsh cases make bad law." He epitomized judicial integrity and courage.

His profound knowledge of the law, his clear and sharp thinking, and his tireless and never-ending search for the principles of right and justice soon stamped him as a bulwark of this court and earned for him the utmost respect of his fellow Justices.

Judge Gunn was ever conscious of the tremendous burden and responsibility which falls upon the shoulders of every man who becomes a member of this court in the knowledge that they have in their custody the rights of life, liberty and property of our citizens. This feeling of heavy responsibility caused him to give unstintingly and tirelessly of himself to the work of this court. Those who knew him best know that the arduousness of his labors, expended toward accomplishing the work of this court, contributed materially to the decline of his health which compelled his retirement from this bench at the conclusion of his term.

He had a tremendous capacity for work and exhaustive research into the law. He was ever impatient with mediocrity and sought and acquired a thorough knowledge and understanding of the established legal principles applicable to any given problem. The fruits of his efforts are recognized on the records of this court and in the decisions and opinions appearing in the official reports, which shall serve as beacons guiding future generations of lawyers and judges along the tortuous path leading to justice and right.

Upon his retirement from the bench he returned to active practice and, as was his greatest desire and wish, it fell his lot to be able to remain active in the practice of the law until his death on October 13, 1956.

Judge Gunn is survived by his widow, Vina Dayton Gunn, his son, Horace Gunn, who is in his own right one of the finest lawyers at the Vermilion County Bar, and his daughter, Mrs. R. Z. Hickman, and five grandchildren. He deeply loved and was justly proud of his fine family and this family and the law were his whole life.

For over fifty years he was a leader of the Vermilion County Bar, and, in fact, of the bar of the State of Illinois. He was widely and favorably known and respected throughout this State among lawyers and members of the judiciary. He at all times disdained

all semblance of pomposity and arrogance and sought only the friendship and respect of his fellow lawyers and his fellow men, not their awe.

So long as Divine Providence sees fit to send to us men of the stature, courage and integrity of Judge Gunn, then just so long can we rest assured that the democratic institutions and processes of this country and the freedom and liberty of our people are safe from attack or decay.

It was once said that the true measure of a successful man is not his accumulation of great wealth or his attainment of high places but rather whether or not it can be said that the world is a better place that he lived. Truly it can be said, with all earnestness, of the late Justice Walter T. Gunn, that the world is a better place that he lived.

MR. CHIEF JUSTICE KLINGBIEL:

The court will be pleased to hear from the Illinois State Bar Association which is represented by its President, Mr. James G. Thomas, of Champaign.

MR. JAMES G. THOMAS:

May it please the court—It is a privilege to speak this afternoon, not only as a neighbor and friend of Mr. Justice Walter T. Gunn, but also on behalf of all the lawyers of Illinois.

We knew Walter Gunn as an outstanding man, a competent lawyer and a learned jurist. His family knew him as a devoted father and husband, proud of his loved ones, typifying all that is cherished and good in family life.

During my days as a student in law school, I first learned of the eminence of Walter T. Gunn as a practicing lawyer. He was recognized throughout the State for his learning, his thoroughness in preparation, his keen analytical mind, his industry, his reputation for fair dealing, his ethical conduct and his devoted loyalty to his clients. He exemplified the highest ideals of a noble profession.

The measure of Justice Gunn's achievements as a jurist is spread at length in his opinions appearing in our Illinois reports. These opinions, brilliantly written, based upon sound and logical legal foundations, but with complete humaneness and understand-

ing, reflect his stature on the bench. His conception of justice could well be stated in the words of George Eliot: "Justice is like the kingdom of God—it is not without us as a fact, it is within us as a great yearning."

But his record cannot be measured alone by his ability as a judge and as a practicing attorney. He was a stalwart citizen, ever mindful of his responsibilities to his community, his State and his nation. He gave unselfishly of himself as a loyal and dedicated person, that this land may grow and prosper in the American tradition. He was a firm believer in our form of constitutional government. Elihu Root undoubtedly expressed Walter Gunn's fundamental belief when he said, "The people of the United States need, in one important respect, a change of the individual attitude toward their government. Too many of us have been trying to get something out of the country and too few of us have been trying to serve it. Too many of us have forgotten that a government which is to preserve liberty and do justice must have the heart and soul of the people behind it—not mere indifference. Too many of us have forgotten that not only eternal vigilance but eternal effort is the price of liberty. Our minds have been filled with the assertion of our rights and we have thought little of our duties."

Judge Gunn believed that we cannot honorably accept our heritage of freedom without assuming the responsibility for preserving it and passing it on, unimpaired, to those who follow us. He did not propose to let nature take its course but was determined to stimulate interest in the constant improvement of the text of our law and its application to the affairs of our people.

We mourn the loss of a friend and counsellor but we rejoice in the rich heritage that he has bestowed upon us and upon the generations to come.

MR. CHIEF JUSTICE KLINGBIEL:

The court has received with appreciation and with gratitude these observations upon the life of our great colleague. Mr. Justice Daily will respond for the court.

MR. JUSTICE DAILY:

The court wholeheartedly concurs in the remarks made this day in memory of our former distinguished associate, Justice Walter T. Gunn, in whose death a great loss has fallen upon the bench, the bar and the people of this State.

It was my good fortune to know Judge Gunn for many years, and to serve with him during his last three years on this court. He voluntarily retired in 1951, at a time when it was hoped he would continue on in the great and good work he was doing, but he was forced to make his decision to discontinue his duties with us upon medical advice that he should rest and relax. He had performed his judicial tasks for several years under the handicap of a trying but not disabling physical affliction, and to the credit of Judge Gunn it is to be stated that he carried on perhaps longer than he wished when assured by his associates that the court and State needed his services.

Judge Gunn was a native of Illinois and received all phases of his formal education, from elementary to professional, in its schools. He succeeded all through life by his own unaided efforts which were marked by a resolute, untiring industry, and a patient, intense purpose that were always with him. You have heard today of his astuteness as a practicing lawyer, and of his attainment and discharge of public office which brought recognition of his ability and integrity from his fellow citizens, from those who dealt with him, and from the leaders in his profession. This recognition culminated when he was chosen to represent his district on this court and time has proved that his long and able practice of his beloved profession of the law well fitted him in worth and temperament for his service on the court.

Judge Gunn was elected to fill a vacancy on the court in 1938, and was later elected in 1942 for a full nine-year term. In all, his service encompassed a period of thirteen years, during which he was the author of 481 opinions and of numerous dissents. These appear in volumes 369 to 409 of the reports of this court.

Judge Gunn was fitted in many ways, by education, by experience in the practice of law, and by life itself for his work on the bench. No judge was ever more desirous of learning what the court has previously decided or so diligent in maintaining and improving its standards. He possessed the genius for work and he was ever

seeking with unwearied diligence the wisdom of the law so that it might be reflected in his opinions. With characteristic energy he prepared an exhaustive index in which he digested the points discussed and decided in every case appearing in the reports of this court from volume 350 to the one bearing his last opinion. This work, which stands as a memento of his industry, he has left with us and now serves on many occasions to lighten our task of research.

Among all the judges who preceded him, Judge Gunn's favorite was Judge John Scholfield, who served on this court from 1873 to 1893 during the formative period after the adoption of the constitution of 1870, and he looked upon the latter's opinions as scholarly guides for all to follow. He often counselled me that I should read all the works of that illustrious predecessor of ours, a task which he himself had performed. Because of Judge Gunn's profound respect for Judge Scholfield's treatment of the law, I am moved to repeat here the sentiments and thoughts expressed by Justice Magruder at the memorial services for Judge Scholfield, sentiments and thoughts which coincided with those of the man we are honoring today. Justice Magruder said: "It is impossible to estimate the far-reaching influence of a judge who writes an opinion so well supported by logic and sound reason and so deeply rooted in the principles of right and justice that those who follow him quote it and refer to it as a precedent. It becomes the basis for determining the rights of other men than those who are parties. Followed by court after court, it permeates the judicial learning of successive eras, giving character to the utterances of the bench and aiding in the settlement of angry controversies among men. Long after inferior and more noisy men are forgotten, the sentences of the quiet and gentle Scholfield will be quoted as authority."

It is nearly six years since Judge Gunn left this bench, but during that short span of time we have come to rely upon his logic and analysis of the law, contained in almost five hundred opinions, as providing firm bases from which to approach the problems which confront us, both old and new. As time progresses, the future will prove that Judge Gunn, just as his teacher, John Scholfield, has left a heritage for all who come to this court to share.

In addition to his regular duties, Judge Gunn was chairman of the house committee in charge of the court building and grounds.

He performed the functions of this office with the same energy and perception that marked all his endeavors and, as a result, became the confidant and friend of those whose services and labors were required for the operation and maintenance of the court.

Another field of our work in which Judge Gunn exhibited great interest and gave countless hours of his time was that relating to the problems concerning legal education and admission to the bar. He worked closely with the Board of Law Examiners in their function of examining people for the profession and, following admission, he became a sympathetic friend and advisor to the young lawyer. He always had an ear for the unsuccessful applicant as well and in more than one instance provided the inspiration which led to ultimate success and admission to the bar.

In the conference room, where discussion and criticism, although never personal, were always pointed and frank, Judge Gunn demonstrated those qualities which made him beloved by all who knew him. 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 any 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 he could accept discussion and criticism of his position with the open judicial mind he possessed, always leaving disagreements in the conference room behind him. These fine attributes are attested by the fact that every man with whom he served while a member of this court became and remained his loyal and devoted friend.

From our day to day association with Judge Gunn we know that he was a loving husband, a kind, tender and indulgent parent, and a man who was universally respected and enshrined in the hearts of all who knew him. This court shares their loss, and we join with them in expressing our sincere regrets at his passing.

MR. CHIEF JUSTICE KLINGBIEL:

The remarks made here today will be spread upon the records of the court and copies thereof will be transmitted to the family of the late Mr. Justice Gunn by the Reporter of Decisions. As a further mark of respect the court will stand adjourned until 9:30 o'clock A.M., Tuesday, May 14, 1957.

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EDWIN HILL COOKE,
REPORTER OF DECISIONS.

BLOOMINGTON, ILL.
1958

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