

MEMORIAL SERVICES

HELD IN THE SUPREME COURT OF ILLINOIS AT THE MARCH
TERM, 1945, ON THE LIFE, CHARACTER, AND
PUBLIC SERVICES OF THE LATE MR.
JUSTICE ALBERT WATSON.

At the hour of two o'clock, P. M., March 12, 1945, other business being suspended, the following proceedings were had:

Mr. CHIEF JUSTICE FULTON:

The Supreme Court has reconvened for the purpose of holding memorial exercises for the late Hon. Albert Watson, a former member of this Court. We have here today the president of the State Bar Association, Mr. Henry S. Warner, of Dixon, Illinois, and we should like to hear from him now.

Mr. HENRY C. WARNER:

May it please the court—An ancient Roman senator once remarked: "Any nation which forgets its heroes will not long survive." The merit of that statement is recognized, as the custom of memorial services has been universally adopted and followed for many generations by practically every nation in the world.

A great orator once stated: "Our lives are journeys between birth and death, two unknown realms. Through birth's most wondrous gate some unseen power has sent us hither on life's fateful mission. Even as we enter, we are doomed at last to leave through life's outer gate. Between these portals of birth and death life's pathway lies. We pass each milestone but once. Our steps we cannot retrace. Joy and sorrow are alternating companions on our way. Smiles and frowns attend us as we go. And as we approach death's portal we pause like the troubled patriarch, Job,

to ask the question that long before and ever since his time has trembled on the lips of all mankind, 'If a man die, shall he live again?' " From the time that we come into this world the sentence of death is upon us. Without an accuser, we are doomed. Without the right of trial, we are condemned. From the judgment and sentence of death there is no appeal, no writ of error. No tears, no sympathy, no prayers, no entreaties, no wealth, no power, no position, can stay for a single hour the inexorable decree. Once death comes knocking at our door it is too late for any of our plans. "The moving finger writes, and having writ, moves on; nor all your piety nor wit shall lure it back to cancel half a line; nor all your tears blot out a word of it."

We are here today to pay tribute to Judge Albert Watson, a distinguished gentleman, a man who was for many years one of our most highly esteemed and respected friends. With his death there passed from our midst a manly citizen, a delightful companion, a good lawyer, a just, upright, impartial judge, and a loyal American. He was wise and discreet, always a courteous gentleman who devoted all of his best efforts and energies to the noblest service to his country and his fellow men.

Judge Watson's death on November 25, 1944, at the age of 87 years, ended a long and honorable career. He attended the public schools of Mt. Vernon, Illinois, and McKendree College, from which he received the honorary degree of Doctor of Laws. He was admitted to practice in Illinois in 1880 and was a Senior Counselor of the Illinois State Bar Association. During his career he was city attorney of Mt. Vernon, master in Chancery of Jefferson county, and also State's attorney for that county. He succeeded Judge Alonzo K. Vickers as a Justice of the Illinois Supreme Court February 17, 1915, representing the First Supreme Judicial District until the election of his successor, Judge Warren W. Duncan, who assumed the duties of his office June 7, 1915.

Judge Watson is well known for his service as a member of the Illinois State Board of Law Examiners, a position which he held for twenty years with much credit to himself. He was a director in the Savings & Loan Association of Mt. Vernon and served as Grand Chancellor of the Illinois Knights of Pythias. He was married in 1880 and three of his five children survived him.

In the stillness of this solemn hour the memory of Judge Watson is with us, fresh and vital. His form and the forms and faces of other vanished friends come trooping out of the past and remembrances of their mirth and laughter, their comradeship and worth, entreat us to bear gently with the frailty of those who survive, to look with charity upon the weaknesses of those who are still here, and to seek out only the good that is in men, leaving to a higher tribunal the judgment of their errors and misdeeds.

In all of his many positions of trust and responsibility Judge Watson was distinguished for uprightness and honor in all of his dealings. He performed his duties faithfully. His cordiality brought him into relationship with many people and he was always so courteous in manner and so tender in sympathy that all who knew him became his friends. It was his noblest ambition to be faithful to every trust. Keen on all matters of public interest, progressive in acquiring and retaining friendships, his mind was ever alert to further the advancement of justice and civic affairs. His life presents an impressive example of what may be accomplished by one who is willing to devote all of his energies and efforts in the acquirement of an exalted position among men. The inestimable value of a life like his rests, above all, however, in the example which it gives to other men in the community. There is honor and reward awaiting those who are willing to emulate the exemplary virtues of Judge Watson. A kindly, Christian gentleman has gone from our midst. We revere his memory and as we review his life's work we are inspired to greater efforts for the tasks we are yet to perform. And when our call comes, may we pass on as a great ship sails at the vesper hour down through the harbor and out into the open sea, past twinkling lights that mark the end of a long and perfect day, and may there be peace at eventide.

Mr. Chief Justice, I move, on behalf of the Illinois State Bar Association, that these proceedings be spread upon the permanent records of this court.

Mr. CHIEF JUSTICE FULTON :

The motion of Mr. Warner will be granted, and the proceedings of this afternoon will be spread upon the permanent records of this court.

The Jefferson County Bar Association has selected as their representative on this occasion the Hon. Frank G. Thompson, Director of the Department of Registration and Education of the State of Illinois.

HON. FRANK G. THOMPSON:

May it please the court—I am honored in having been selected by the bar association of Jefferson county, Illinois, to represent and speak for them on this occasion when we meet to honor the memory of the late Judge Albert Watson, for more than half a century a highly respected member of that bar association. For many years it was my privilege to be associated with him as a friend and fellow citizen and to practice law before the same courts as did he. His counsel and advice on many occasions were freely given to me and to other younger members of the bar, and we shall all miss this kindly man who has passed on.

Today we hear a record of many of his achievements and of the many public duties which he performed so ably and well. To know that Judge Watson was widely known throughout the State of Illinois and as widely admired and respected is a solace to us and to his family since he has been called to his reward.

A man of exceptional ability, in him were combined a sense of justice and fairness, with a thorough knowledge of the basic principles of the law. Distinguished in appearance, he elicited on first acquaintance a high respect from those with whom he came in contact, and as acquaintance with him grew into friendship, it became apparent that underneath his dignity beat a heart overflowing with kindness and gentleness towards his fellow man.

His industry and zeal for his work was perhaps best shown by the large number of cases allotted to him and in which he wrote the opinions while a member of the Supreme Court of Illinois for a comparatively short space of time; also, by his devotion to the tiring and oftentimes difficult duties required of him while a member of the Illinois State Board of Law Examiners by appointment of this court.

As a speaker, he had few peers. Perhaps this ability is best described in a letter which I have through the courtesy of Mr. Curtis Williams of the Jefferson County Bar. The letter from the late Edward T. Lee, then Dean of the John Marshall Law

School of Chicago, is itself a masterpiece in expression. I quote that letter:

June 1, 1934

Honorable Albert Watson,
President, Illinois State Board of Bar Examiners,
Mount Vernon, Illinois.

Dear Mr. Watson:

I had to leave Waukegan this afternoon right after the vote was taken on the report of the committee on legal education, and so had no opportunity to say 'Goodbye' to you, and to tell you that I thought your talk to the audience was one of the finest extemporaneous speeches I have ever listened to. It was comprehensive, cogent, adroit and made a great impression upon your hearers. You have a wonderful gift of clear and persuasive expression. And, as was always said of Charles O'Connor, you do not argue a case: You merely state it.

Sincerely yours,
Edward T. Lee."

Perhaps most dear to the heart of Judge Watson was the Men's Bible class which he organized and taught so many years at Mt. Vernon. From that class hundreds of men have gone out into the activities of life and each one of them has carried with him some of the lessons in Christianity, in good fellowship and in citizenship which were so ably taught by their devoted teacher.

Judge Watson came of the pioneer stock which is fast disappearing from our midst. His father was one of the early settlers and one of the most prominent men in the wilderness which was southern Illinois in the early part of the nineteenth century. Judge Watson and his brother, the late Dr. Walter Watson, carried on the traditions established by their illustrious father. Their lives were interwoven with the progress of civilization in the midwest for almost a hundred years. It is sad to know that men of this type are rapidly passing from the scene of their labors, but the heritage which they leave to us should be an inspiration to all those who follow them.

As we grow older, the days, months and years pass even more quickly, and while today we honor the memory of our friend and fellow lawyer, in a few short years most of us will have crossed the great river. The example of this man and of others of like character and nobility will remain with us throughout our days. Some men live and die and the only apparent effect upon the

world is no greater than that of a pebble which is tossed into a stream,—there is a ripple and all is as before, and the pebble is unremembered and unsung. Through the graciousness of the members of our honored Supreme Court of Illinois, we are gathered here to do honor to one whose life has been more than a pebble tossed into the stream, to do honor to one whose memory will live always in the hearts of all those who knew him.

Throughout his life and unto his death he heeded the injunction in the closing lines of the poet Bryant's immortal "Thanatopsis":

"So live, that when thy summons comes to join
The innumerable caravan, which moves
To that mysterious realm, where each shall take
His chamber in the silent halls of death,
Thou go not, like the quarry-slave at night,
Scourged to his dungeon, but, sustained and soothed
By an unfaltering trust, approach thy grave,
Like one who wraps the drapery of his couch
About him, and lies down to pleasant dreams."

So he lived and so he died—a distinguished lawyer—a gallant gentleman.

Mr. CHIEF JUSTICE FULTON:

The State Board of Law Examiners has chosen Mr. Charles P. Megan, a member of the Chicago Bar Association, to speak on this occasion.

Mr. CHARLES P. MEGAN:

May it please the court—The State Board of Law Examiners has been given the opportunity of expressing today its high opinion of one who for twenty years was its leader.

It is now nearly ten years since the board marked the close of Judge's Watson's long and distinguished service as head of the group of Illinois lawyers to whom this court has entrusted the high duty of determining the qualifications of the young men and young women who are ambitious to make the law their lifework. We consider the State fortunate in the long presidency of our associate and friend, whose leadership coincided with the most fertile period in the history of legal education in the State and nation. In meeting on that occasion with the deans of law schools

and others deeply interested in training for the profession of the law it was a source of happiness to us all that we could combine two thoughts: that we might justly magnify our office, and at the same time praise our honored president.

Two decades before, Judge Watson, leaving the bench of the Supreme Court and becoming a member of the board, at once was named president. He was a fine representative of that great southern domain of Illinois, from which the State took its origin and with which so much of our history is inextricably bound up. But he could never be a local man in any sense; his largeness of outlook was appropriate to a whole commonwealth; he rose above the lesser considerations of one part of the State as against another. High up among the unifying forces which have held our State together, in spite of the opposing forces that tend to pull us apart, may be counted the personal influence of men like Judge Watson, whose nature makes them incapable of a narrow view, urbane men who belong to all the State.

In the twenty years of Judge Watson's service on the Board of Law Examiners the State saw a vast advance in legal education along the entire front. Never before was a fine training for the bar available so readily to so many students. We had better schools, better teachers, better books and other material for study, better courses of study, better educational theory, higher standards. As bar examiners we exercise a deep influence on the law schools, and they on us. Schools no longer prepare their students for the bar by loading the memory with a mass of unrelated material that is carried for a few months or weeks and then forgotten. Bar examiners no longer sift out the successful from the unsuccessful by mechanical definition-tests. Instead, the schools aim to train their graduates broadly for the public profession of the law, and boards of law examiners realize their responsibility for something more than the mere occasional exclusion of a few conspicuously unfit applicants. We are members of a learned profession, and to keep it so is an arduous and unceasing task. The law schools of the State and the Board of Law Examiners constantly proclaim their mutual interests and the warm spirit of co-operation between those who give and those who test the schooling which by its surpassing excellence displaced, in our own time, the utterly inadequate office apprenticeship, for cen-

turies the recognized mode of entrance to the legal profession in the English-speaking world.

We were happy in our very able leader during this stimulating period. We are a little company who labor and plan together with right good will. In accordance with the precedent of our profession,—in which precedents count for so much,—we strive mightily with each other, but eat and drink as friends. A man like Judge Watson will always be found in a position of leadership, wherever he is, in church or State, in business or profession, in public or private life, constantly called to new service. He was a many-sided man; as the old classical saying went, nothing that belongs to man was foreign to him. He lost none of his interests of former years: a baseball game, a movie, or a conversation with a friend on matters literary, curious, or philosophical, the news of the world, all that takes up the spare-time thought of the man of today, were the things that occupied his leisure.

Judge Watson's good qualities come crowding into the mind as one writes of him,—his literary ability, his quickness of perception, his remarkable memory, the give and take of repartee, the good humor and good fellowship that made him such an agreeable companion at the luncheon table or in the bar-examination workshop. His extraordinary acquaintance with the personal and institutional life and history of our State was the delight and instruction of those who were associated with him. He was kind and just and, above all, of course, stood his unswerving integrity of character.

With the court's leave, we should like to add a few words about Judge Watson's equally accomplished and charming helpmeet, his loyal and devoted friend and ours, who preceded him in death by only a few months. Mrs. Watson shared all of her husband's interests, particularly his church work, which was so near to the hearts of both, but she was not an echo nor reflection; there was no question of dominant and servient; she was a real person in her own right, with her own ideas. After she had passed the scriptural age of three-score years and ten, she found a new means of self-expression, as she herself put it with engaging boldness; she began to compose music, sometimes using the verses of well-known writers, sometimes writing both words and music. We believe that some of her hymns have been sung by choirs over a

wide area. Two special incidents may be recalled: She set to music a popular poem of Bulwer Lytton, known to an earlier age as Owen Meredith, but, being dissatisfied with the rather sombre close, she wrote a new concluding verse, with hope in it; and once in the dining room of a great Chicago hotel, by our pre-arrangement, she sat down at the grand piano, with the orchestra, before a roomful of admiring guests, and played the accompaniment for one of her compositions while the tenor sang the words of the song. The Judge was so happy that he cried, and indeed all of us, and the orchestra and diners, too, were affected.

Judge Watson's last years were busy and useful. He always remained young, and his former associates among the bar examiners saw him occasionally and were happy that each occasion seemed only another milestone in a long, active, and varied life.

Mr. CHIEF JUSTICE FULTON:

Thank you, Mr. Megan. The court has asked Justice Charles H. Thompson to respond on behalf of the court.

Mr. JUSTICE THOMPSON:

The court appreciates the presence of those who have come here today to pay tribute of love and respect to a former member of this court. It is said that lives are as swift as the weaver's shuttle, and, today, as this court joins in the eulogies expressed on the life of Judge Albert Watson, and on occasions of this kind, the swiftness is brought to our attention by the rapid change in personnel on the highest court of the great State of Illinois. We who read the decisions of the great jurists who have passed on hardly realize that James H. Cartwright, William M. Farmer, Orrin N. Carter, Frank K. Dunn, George A. Cooke, Charles C. Craig and Albert Watson, who served together, have now all passed and gone, but their record of conscientious and faithful service remains a monument to which this court is proud to pay homage and respect.

The present members of this court did not have the privilege of association with Judge Watson and therefore we are unable to present those intimate personal recollections often retained in the minds of those closely associated together. From the written record, however, and from those who were his personal friends and

neighbors throughout many years, we have found an insight into his life and reputation which justifies the fine things said in his memory here today.

On February 17, 1915, Albert Watson was appointed by Governor Dunne to fill the unexpired term of Judge Vickers, who died on January 21, 1915, while a member of this court. He served until the judicial election held on June 7, 1915, and was succeeded by Warren W. Duncan of Marion, Illinois.

While on the court only a short time, his opinions, which appear in volumes 267, 268 and 269 of the Illinois Reports, show the care in preparation of a painstaking and able lawyer. They cover a wide field and the law therein announced, based upon precedent and legal analysis, attains the same high standard of other great jurists who have held membership on this honorable court. Not only was he a great jurist but an outstanding citizen of his community and State.

In addition to his services on this court, he had a long and honorable public career beginning in 1881, a year after his admission to the bar, when he served his home town of Mount Vernon as city attorney. Several times during his life he served the city in that capacity. He twice served as State's Attorney of Jefferson county; one term by election and the other in 1917, when he completed the term of his son Joel, who had entered the army. His longest and most outstanding public service was that of president of the Illinois State Board of Law Examiners. Scores of practicing lawyers in Illinois remember gratefully the friendly chat which he held with them during the examination ordeal which accomplished its purpose by helping them to face the trial with greater equanimity. He took a great interest in the careers of the lawyers who were admitted during his term of service, and considerable pride in their achievements.

Judge Watson was extremely proud of his service on the highest court of his State. In speeches before many groups he spoke of his work and association on the bench. In his own home community he was an active leader in the church and civic affairs. For more than fifteen years he taught the largest men's Bible class at the First Methodist Church in Mount Vernon. He served as president of a dozen or more banks at the same time, including the Ham National Bank in Mount Vernon, and founded one of

the city's building and loan associations. He was always a substantial contributor toward the bringing of new industries to his home town and believed so thoroughly in the future of his community that a large part of his wealth was invested in local real estate. During World War I he served as Chairman of the Jefferson county draft board and of the district board. Judge Watson was recognized as one of the ablest businessmen in his community. His reputation as a lawyer was high, and his relations with his fellow lawyers good. Most of the legal papers prepared by him will be recognized as long as they exist, since they were written by him in his legible longhand. He prided himself on not using form books or precedents, and particularly, in later years, made no attempt to maintain what the average lawyer would regard as an essential law library.

For a number of years Judge Watson was almost blind until a series of operations partially restored his sight. During that period his prodigious memory enabled him to assimilate and analyze documents which were read to him, and he continued to go to his office and to attend to his business as usual. Although during his last years he suffered from an affliction which made walking difficult, he continued to go to his office and to transact business until a few days before his death. His mind remained keen until the last.

Judge Watson was an intellectual, precise in speech and manner. He was a student of constitutional history, and a local authority on Washington and Lincoln. For fifteen years he delivered annual talks on the two former Presidents at meetings of the various civic clubs in Mount Vernon. He was a storehouse of anecdotes on the past history of his locality. Although not an orator in the usual sense, he was an excellent and entertaining speaker and his services were much in demand.

He was selected to give the address at the dedication of the new Jefferson county court house in 1941, and it was my privilege to hear this masterful address, one which he had spent much time in preparing and which he delivered with a sincerity of purpose that only one can manifest whose life has been dedicated to the progress and building of his community.

Although a man of unusual dignity, he possessed a keen sense of humor and had a real twinkle in his eye. He liked humanity

and was never too busy to enjoy a visit. His interest in young people prompted him to stop on the street to converse with them and he never forgot the information which he obtained from them concerning themselves and their families. He accepted life as it came to him, never permitting circumstances to limit his outlook nor to diminish his influence and happiness. His life and endeavors spent in behalf of his friends and community, his outlook on life in times of illness and advancing age could not be summed up better than in the beautiful poem, "Whatever Is—Is Best," by Ella Wheeler Wilcox.

"I know, as my life grows older
And mine eyes have a clearer sight,
That under each rank wrong somewhere
There lies the root of right;
That each sorrow has its purpose,
By the sorrowing oft unguessed,
But as sure as the sun brings morning
Whatever is,—is best.

"I know that each sinful action,
As sure as the night brings shade,
Is somewhere, sometime, punished,
Tho the hour be long delayed.
I know that the soul is aided
Sometimes by the heart's unrest,
And to grow means often to suffer,
But whatever is—is best.

"I know there are no errors
In the great eternal plan,
And all things work together
For the final good of man.
And I know when my soul speeds onward
In its grand eternal quest,
I shall say as I look back earthward,
Whatever is—is best."

Mr. CHIEF JUSTICE FULTON:

This concludes the exercises, and I want to thank all of you gentlemen for your contributions to this memorial. It is ordered that the proceedings of the afternoon be spread upon the permanent records of this court.

Out of respect to the memory of Judge Watson, this court will now adjourn until tomorrow morning at nine o'clock.

REPORTS
OF
Cases at Law and in Chancery

ARGUED AND DETERMINED IN THE

SUPREME COURT OF ILLINOIS.

VOLUME 390

CONTAINING CASES IN WHICH OPINIONS WERE FILED IN JANUARY,
MARCH, AND MAY, 1945, AND CASES WHEREIN REHEARINGS WERE
DENIED AT THE MARCH, MAY, AND SEPTEMBER, 1945, TERMS.
ALSO TABLE OF CASES ON LEAVE TO APPEAL AND WORK-
MEN'S COMPENSATION DOCKETS FOR THE NOVEMBER,
1945, AND JANUARY, 1946, TERMS.

EDWIN HILL COOKE,
REPORTER OF DECISIONS.

BLOOMINGTON, ILL.

1946.