

Oscar E. Heard 1924-1933

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Oscar Edwin Heard was born June 26, 1856, in Harlem Township near Freeport in Stephenson County. He lived there his entire life of eighty-four years, more than sixty of which he spent in the profession of law and public service.

He was the son of William and Sarah A. Swanzey Heard. His father was a farmer and merchant who died in 1871 when Oscar was fifteen years old. He received a diploma from Freeport High School then attended college at Northwestern University to study literature. He studied there for two years then returned to Freeport to read law in the office of J. S. Cochran. He was admitted to the bar at age twenty-three in 1879. Heard is thus one of the few people to ascend to the Supreme Court bench with neither an undergraduate degree nor a law degree.¹



On Christmas day 1879, he married Mary J. Peters in Freeport. Together they had one daughter, Emily, who would precede him in death, and one son, Oscar E. Heard Jr., who would, like his father, enjoy a lifelong career in the legal profession.²

His lack of a formal higher education did not prevent his earning the respect and trust of his fellow citizens. He served as a justice of the peace from 1881 to 1884 then was elected and reelected four times in sixteen years to the office of State's Attorney for Stephenson County. At the end of his final term as State's Attorney in 1900 he had won convictions in 2,241 criminal

cases, including three murders.³ In 1903, running as a Republican, he was elected judge for the fifteenth judicial circuit, an office he would hold following reelections in 1915 and 1921 until he was elected to the Supreme Court in 1924. After his last election to the circuit court the Supreme Court appointed him to fill a vacancy in the second appellate district.⁴

In 1904, shortly after his first election to the circuit court, he presided over a sensational murder trial. Two men who had committed a robbery in the Carroll County town of Chadwick were pursued to the Mississippi River town of Thomson, about twenty miles away. While resisting arrest one of the men shot and killed the town's mayor. Citizens all over the northwestern part of the state followed the trial.⁵ Heard sentenced the killer to life at hard labor in the Joliet penitentiary. During the time that coincided with Heard's tenure on the circuit bench it was the practice to have judges from circuits around the state send judges to preside in Cook County cases since the docket there was always too crowded to be handled efficiently by the number of judges in Cook County. Heard was one of those so chosen and spent one part of each year for twenty years presiding in Chicago. He was no stranger to trials outside his own circuit. Early in his career on the bench he was selected under a special appointment from Governor Frank O. Lowden to preside over some of the cases arising from the East St. Louis race riot of 1917. As a trial judge he earned a reputation for fairness, brevity, promptness and maintaining dignity and order in his courtroom while treating everyone with respect.⁶

He was elected to the Supreme Court in 1924. His colleagues on the Supreme Court noted his seemingly unlimited energy and his willingness to devote himself to the work of the court during a period in which the docket was unusually heavy. He served as Chief Justice twice, but he would serve only one term on the court itself. He failed in his attempt at reelection when Democrat Elwin R. Shaw edged him out in the vote count. The election was rather

contentious for a judicial election. The issue of his age of seventy-seven years was raised against him as were charges of nepotism. These issues combined with the disadvantage of being identified as a Republican in 1933 led to his retirement from the bench.⁷ One of his more notable opinions was that for *Fergus v. Marks* in which the court refused to compel the General Assembly to assemble for the purpose of passing a legislative redistricting law despite the fact that twenty years had passed since the previous redistricting, which was a clear violation of an explicit constitutional command to do so.⁸ Based on the principle of separation of powers, the court would not compel the General Assembly to act because the Constitution left that obligation solely to the General Assembly.⁹

Upon leaving the Supreme Court he returned to private practice with his son for the remainder of his life. During all his time in public service as a prosecutor and a judge, he always maintained a high level of interest and participation on his local and state bar associations. He served as president of the Stephenson County Bar Association, and from 1919 to 1924 sat on the board of governors of the Illinois State Bar Association. In June 1940, the state bar association conferred on him the title of Senior Counselor in recognition of service for more than fifty years as a member of the Illinois bar.¹⁰

He was also prominent in the civic affairs of his community. He was a member of the Freeport board of education for many years and because of his interest in education he wrote the Illinois teachers' pension law.¹¹ He was also active in the Odd Fellows and Freeport Country Club. As a Mason he was awarded the high honor of the thirty-third degree. He also served as the president of the Freeport library board and is generally credited with obtaining the grant from the Carnegie Foundation to construct the stately classical public library there.¹²

After an illness of only three days Oscar Heard died at his Freeport home on Stephenson Street on July 15, 1940. His wife Mary had died in 1929, just a few months before their fiftieth wedding anniversary. His daughter Emily had married Archibald T. Young of Freeport, but she also preceded her father in death. His son Oscar E. Heard Jr., had for a while worked as a reporter for the Freeport Bulletin, but later followed his father into the law profession. He left four grandchildren behind. His funeral was held in his home, and he was buried in Oakland Cemetery on the southwest edge of Freeport.¹³

¹*History of Stephenson County*, (Chicago: S.J. Clarke Publishing Company, 1910), p. 69; 375 *Illinois Reports* 20-27; *Freeport Journal-Standard*, July 16, 1940, p. 1.

² *History of Stephenson County*, (Chicago: S.J. Clarke Publishing Company, 1910), p. 69; *Freeport Journal-Standard*, July 16, 1940, p. 1.

³*Chicago Tribune*, December 5, 1920, p. 12.

⁴ *Freeport Journal-Standard*, July 16, 1940, p. 1; *Illinois Blue Book*, (Springfield, Il: Illinois Secretary of State, 1921), pp. 555 and 563; *Law Notes*, v. 23, no. 10 (January, 1920), p.174.

⁵ E. George Thiem (ed.), *A Goodly Heritage: A History of Carroll County, Illinois* (Mt. Morris, Il: Kable Printing Company, 1968), p. 8.

⁶ *History of Stephenson County*, (Chicago: S.J. Clarke Publishing Company, 1910), p. 691; *Freeport Journal-Standard*, July 16, 1940, p. 1.

⁷ *Chicago Tribune*, May 21, 1933, p. 18; *Chicago Tribune*, May 30, 1933, p. 6; *Chicago Tribune*, June 6, 1933, p. 1.

⁸ 321 Ill. 510.

⁹ *History of Stephenson County*, (Chicago: S.J. Clarke Publishing Company, 1910), p. 691.

¹⁰ *Ibid*; *Law Notes*, v. 23 (August, 1919), p. 93.

¹¹ 3 *Freeport Journal-Standard*, July 16, 1940, p. 1.

¹² *History of Stephenson County*, (Chicago: S.J. Clarke Publishing Company, 1910), p. 691; *Freeport Journal-Standard*, July 16, 1940, p. 1.

¹³ Ibid.