

## Byron O. House 1957-1969

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Byron O. House was born on September 27, 1902, in St. Louis, Missouri, to Harold H. and Olive B. House. In 1904, the family moved to Oakdale, Illinois, about nine miles south of



Nashville, then in 1906 moved to Ashley, about ten miles east of Nashville. Upon moving in 1908 to Nashville, about sixty miles southeast of St. Louis, House attended local public schools. He enrolled in the University of Illinois in 1921 and studied pre-law courses. He received a Bachelor of Laws degree from the law school there in 1926. That same year he was admitted to the bar in 1926 and returned to Nashville where he was to live the rest of his life.<sup>1</sup>

Before settling in Nashville, his father, familiarly called H.H., worked in railroad yards, and on street car lines while he attended Benton Law School in St. Louis. In Ashley, he worked as a school teacher and farm laborer. In Oakdale, he worked as a freight clerk for the Illinois Central railroad as he prepared for his bar examination. When he was admitted to the bar in 1908, he moved immediately to Nashville where he set up a law practice. His descendants still practice law in Nashville.<sup>2</sup>

Byron House practiced law with his father until the latter died in 1944. His new partner became Wilbert J. Hohlt, although the firm retained the name House & House. Eventually his

son, James B. House, joined the firm in 1955, and the firm Hohlt, House, DeMoss & Epplin still serves the community.<sup>3</sup>

House's family in Nashville included his parents, an older sister, Florence, and a younger sister, Beulah. His brother Lawrence was born in Nashville in 1912.<sup>4</sup> Beulah later married Ralph L. Maxwell, who would precede House on the Supreme Court bench. House married Mildred Holston in 1925, a year before he completed law school. Their wedding date was planned around his semester final examinations. Their son James was born in 1927. Daughters Marilyn and Dorothy were born in 1929 and 1933, respectively.<sup>5</sup>

His law practice was slow for the first several years, but the New Deal bank holiday of 1933 sent bankers looking for lawyers. Recognition of his good work brought in more and more clients. In addition, he found many new clients among the municipalities in his county that needed legal representation for the public works projects that were a large part of the Franklin Roosevelt's New Deal programs.<sup>6</sup> His practice grew and after his father's death in 1944 he was working at his capacity. He was approached to serve as Washington County State's Attorney when his brother-in-law Ralph L. Maxwell left that post to sit on the circuit bench. House would have declined, but because World War II had depleted the county of manpower, including attorneys, he accepted the position for 1945 and 1946.<sup>7</sup>

He returned to his law practice until 1956. In that year circuit judge William G. Juergens vacated his seat on the circuit bench to become judge of the United States District Court. Governor William G. Stratton appointed House to the circuit court in July 1956. He immediately gained a reputation as an outstanding judge. Therefore, it was not difficult for him to win the Republican nomination for the special election to fill the Supreme Court seat vacated by the death of his brother-in-law Ralph L. Maxwell.<sup>8</sup>

House was first elected to the Supreme Court in a special election in 1957 following Maxwell's death. Maxwell's term was to have ended in 1960 so under the state's constitution Governor William G. Stratton could either call for a special election or wait for the circuit court elections that were scheduled for the following June three months away. The Governor decided to call a special election over the objections of Democrats who hoped that an anticipated larger voter turn-out in the June election would help them. Stratton, however, claimed that due to the court's heavy work load it was important to have all seven seats filled at the earliest opportunity. Observers close to the court also understood that the six sitting justices often had "bitter arguments" in the conference room that could be precluded by the presence of a seventh, tie-breaking justice.<sup>9</sup> In the election on February 25, House handily beat the Democratic circuit judge from Benton, Frank P. Hanagan, by a margin of 56 percent to 44 percent.<sup>10</sup> He took his seat on the bench after a swearing-in ceremony in Springfield on March 11, 1957.<sup>11</sup> When he ran for reelection to a full nine-year term in 1960, House, a life-long Republican, received support from Democrats because of his competence, efficiency, and experience.<sup>12</sup>

His tenure on the Supreme Court began during the period of court reform that culminated in the entirely new article in the state constitution covering the judicial system. During the 1950s congestion in the courts and outdated practices stimulated a growing demand for reform. By the end of the decade, which concluded with House's term as Chief Justice, the court could claim that it could keep its docket current, changed its rules to allow longer sessions and longer periods for issuing opinions, and urged the legislature to create more circuit judges.<sup>13</sup> One of the reasons for the crowded docket was the flood of appeals from convicts in state penitentiaries who learned that they could exercise their right to appeal their convictions. Since House's former circuit was

home to important state penal facilities, he had a familiarity with the corrections system that was useful in dealing with corrections laws.

Even though he carried the burden of the court's heavy workload he made recreation an important part of his life. He had a lifelong passion for hunting, which his fellows on the court supported by allowing him to take on more work at certain times of the year so that he could have time for hunting. Even though the family business, then in its third generation, was the practice of law, he also had a farm near Nashville where he spent time working as a farmer.<sup>14</sup>

When the new judicial article in the constitution took effect in 1964, it created an administrative office responsible for the state's court system. House won the praise of his colleagues by voluntarily taking on the supervision of the court's budgetary and administrative matters. Thus, in addition to his duties as a jurist, he also worked with legislative committees on the budget and coordinated the development and even the invention of administrative policy.<sup>15</sup>

One of House's last public appearances was for his testimony in July 1969 for the Supreme Court's Special Commission's investigation into allegations of judicial impropriety by two other justices of the court. House was the first justice to testify, and as far as anyone could remember it was the first time a Supreme Court justice had ever been summoned as a witness to testify before attorneys. His testimony was for the most part concerned with court procedures and practices both formal and informal. House was always held in the highest regard by the state's legal community, and there was never the slightest suggestion that he had engaged in any impropriety.<sup>16</sup>

On August 27, 1969, House suffered a stroke while attending the Hambletonian trotting race at the fairgrounds in DuQuoin. He was sent immediately to St. Mary's Hospital in Clayton, Missouri, fifty miles away for emergency surgery to repair his carotid artery. Only his left arm

and leg seemed impaired by the stroke, and complete recovery was anticipated. He had missed the opening of the September term for the Supreme Court, and since the resignation of two justices left the court with only five members, he was anxious to return to his duties in Springfield.<sup>17</sup> He was recovering from the stroke and planned to be present at the court's January term, but while at home he developed abdominal trouble. Surgery on September 25 at St. Elizabeth's Hospital in nearby Belleville revealed advanced intestinal cancer. He died September 27, 1969, on his sixty-seventh birthday. He was survived by his widow Mildred, his son and two daughters and his brother Lawrence. He was a member of the Presbyterian Church in Nashville. He was also a member of the Elks, Odd Fellows, Rotary, several bar associations, and the legal fraternity Pi Kappa Pi. He was buried in Greenwood Cemetery.<sup>18</sup>

His death also precipitated a potential constitutional crisis for the Supreme Court. The constitution set a quorum at four of the seven members. Two had resigned and House had died. The court could carry on provided that every decision by the remaining four members were unanimous. However, Daniel P. Ward, one of the four, had served as Cook County State's Attorney prior to his elevation to the court. Consequently, he had to excuse himself from any case his State's Attorney's office had been involved in. Since no election could be held until the following year, the court had to take the unprecedented step of appointing temporary justices in order to avert crisis.

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<sup>1</sup> *Nashville Daily Register*, 29 September 1969, p.1; *Chicago Tribune*, 28 September 1969, p.3; "This Is Your Life," typed transcript in Byron House file, Illinois Supreme Court Library, Springfield, Illinois, April 1960, pp. 1, 4. At a testimonial dinner given for House during his reelection campaign by close friends and family, the transcript preserved the evening's entertainment that included a presentation of the justice's life in a format copied from a popular television program of the period and preserved in the transcript.

<sup>2</sup> *Ibid.*

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<sup>3</sup> *Nashville Daily Register*, 29 September 1969, p.1.

<sup>4</sup> “This Is Your Life,” p. 1

<sup>5</sup> *Ibid.*, p. 5.

<sup>6</sup> *Ibid.*, p. p.

<sup>7</sup> *Ibid.*, p. 8.

<sup>8</sup> *Ibid.*, p. 10.

<sup>9</sup> *Chicago Tribune*, 24 February 1957, p. 16; *Chicago Tribune*, 12 March 1957, p. A7.

<sup>10</sup> *Illinois State-Journal Register* (Springfield), 26 February 1957, n.p.

<sup>11</sup> *Chicago Tribune*, 3 January 1960, p. 5; *Chicago Tribune*, 17 January 1960, p. A13.

<sup>12</sup> *Chicago Tribune*, 22 May 1960, p. 19.

<sup>13</sup> *Chicago Tribune*, 17 January 1960, p. A13; *Chicago Tribune*, 12 September 1960, p. B14.

<sup>14</sup> *Chicago Tribune*, 28 September 1969, p.3.

<sup>15</sup> 44 Ill. 2d., xviii.

<sup>16</sup> Kenneth A. Manaster, *Illinois Justice: the Scandal of 1969 and the Rise of John Paul Stevens*, (Chicago: University of Chicago Press, 2001), pp. 88-95; *Chicago Tribune*, 4 September 1969, p. 12.

<sup>17</sup> *Chicago Tribune*, 4 September 1969, p. 12; *Nashville Daily Register*, 15 September 1969, p. 8; *Illinois State-Journal Register* (Springfield), 4 September 1969, p. 1.

<sup>18</sup> *Nashville Daily Register*, 29 September 1969, p.1.