

## MEMORIAL SERVICES

HELD IN THE SUPREME COURT OF ILLINOIS AT THE MAY  
TERM, 1951, ON THE LIFE, CHARACTER AND PUB-  
LIC SERVICES OF THE LATE MR. JUSTICE  
FRANCIS S. WILSON

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At the hour of two-thirty o'clock P.M., May 21, 1951, other business being suspended, the following proceedings were had:

Mr. CHIEF JUSTICE SIMPSON:

This hour has been set aside for the purpose of receiving a memorial touching the life and public service of the late Mr. Justice Francis S. Wilson. The court will be pleased to hear from the representative of the Illinois State Bar Association, Mr. Joseph H. Hinshaw.

Mr. JOSEPH H. HINSHAW:

*May it please the court:* On behalf of the Illinois State Bar Association, I have the honor to present a memorial to the memory of Francis Servis Wilson, a distinguished member of the Bar of Illinois and an honored member of this Court.

Francis Servis Wilson was born on February 7, 1872, in Youngstown, Ohio; only son of Honorable David M. and Griselda E. (Campbell) Wilson. His father was a distinguished lawyer who served as a member of the constitutional convention of the State of Ohio. Justice Wilson's mother studied voice abroad, and, after the death of her husband which occurred in 1882, taught voice in Youngstown, Ohio. She died in Chicago, May 19, 1949, at the age of 103 years.

Mr. Justice Wilson received his elementary education at Youngstown, and at Hudson Academy, Hudson, Ohio; after which

he attended Western Reserve University, at Cleveland, from which institution he received the degree of LL.B. in 1895.

On November 18, 1903, he was married to Caroline E. Siegfried, and to them were born two sons, David M. Wilson, of Glencoe, Illinois, now with the Illinois Bell Telephone Company; and Francis S. Wilson, Jr., of Winnetka, Illinois, now Midwest Analyst for Standard and Poor's Corporation.

Mr. Justice Wilson was first admitted to practice law in the State of Ohio, and began his law career in Mahoning County, Ohio, in 1896. In the same year, he was nominated for judge of the probate court of Mahoning County, Ohio. In 1897, he removed to Chicago, where he immediately began to practice.

In 1906 he was nominated for judge of the municipal court of Chicago on an independent ticket, and during the years 1911 and 1912 he served as county attorney for Cook County.

He became a member of the well known law firm of Darrow, Masters and Wilson. His partners were both colorful and spectacular, while Justice Wilson was the quiet and scholarly, yet none the less famous, member of the firm. He possessed a temperament and understanding of both people and the law which eminently fitted him for the bench.

During World War I he served with distinction in the Regular Army as Captain Judge Advocate at Camp Sherman, and was retired with the rank of Major. After World War I until 1920, he practiced in Chicago as a member of the firm of Felsenthal and Wilson.

In 1920 Justice Wilson was elected judge of the circuit court of Cook County, to fill a short vacancy, and, as a result of his distinguished service in that court, was re-elected in 1921, 1927, and 1933, for full terms of six years each, and was appointed by the Supreme Court to serve in the Appellate Court of Illinois, First District, Third Division. In this court he served as presiding justice in the year 1930.

On July 1, 1935, he was elected to the Supreme Court of Illinois, to fill the vacancy caused by the death of the illustrious jurist Justice Frederic R. DeYoung. He served as Chief Justice of the Supreme Court in 1939 and 1940, and was re-elected to the Supreme Court in 1942. He continued to serve as a Justice of the Supreme Court for the remainder of his life, and at the time

of his death was the Dean of the Court and the only Democrat on the Court.

The district from which Justice Wilson was elected is comprised of Cook, Lake, DuPage, Will and Kankakee Counties. The combined territory of these counties contains more than one half the population of the State of Illinois. Because of the custom for each Justice to hear motions arising in his own district, Justice Wilson was heavily engaged with the hearing of a large volume of motions, in addition to the work of preparing formal opinions.

The events in his professional life which brought to him the greatest pleasure were those of leading in the bar poll of lawyers of his district, and in receiving the nomination to the Supreme Court of Illinois as the candidate of both major political parties.

Justice Wilson had announced his intention not to seek reelection, but despite fragile health, continued diligently at his duties. He had planned to attend a dinner to be given by Governor Adlai E. Stevenson, at the Executive Mansion, for the members of the State's highest tribunal. On the same date, March 14, 1951, he died in his apartment in the Supreme Court Building at Springfield, at the age of 79 years.

His body is interred at Memorial Park Cemetery, Evanston, Illinois.

I move that this memorial be spread upon the records of this honorable Court, and that the Official Reporter of Decisions be directed to publish the record of these proceedings in the official reports of this Court.

Mr. CHIEF JUSTICE SIMPSON:

The Court at this time will be pleased to hear from the representative of The Chicago Bar Association, Mr. John D. Black.

Mr. JOHN D. BLACK:

*May it please the court:* Francis S. Wilson was a distinguished Justice, judge, jurist and lawyer whose name will always be high on the roll of this Court for the best qualities that have marked it and that belonged to him.

Beloved alike by bar and bench, during the long period of his service to the law, no man commanded more admiration for his



performance of his duties,—no man attracted more warm and affectionate friends.

The work of his life was that of a rounded and an able mind and heart.

He had no need, as the end of his term approached, to fear that he "should cease to be before his pen had gleaned his teeming brain—before high piled books held in charact'ry, like rich garner, the full-ripened grain,"—for his world of opinions, teaching and making the law, are a monument to his industry, his wisdom, his sound common sense, and his wide knowledge.

He takes his place among the good and the great of this Court and this State, and his name and memory will be a benediction—his works a guiding light.

#### Mr. CHIEF JUSTICE SIMPSON :

The Court has received with interest and appreciation the remarks made by the friends and associates of the late Mr. Justice Wilson. Mr. Justice Walter T. Gunn will respond on behalf of this Court.

#### Mr. JUSTICE GUNN :

All the members of the Court join me in expressing appreciation for and satisfaction with the sentiments of the resolution presented this day, and also, concurrence in the words of eulogy that have so happily, and withal so truthfully, been spoken of our associate. The highest tribute a judge can receive is the sincere admiration of an able and honorable bar, for none other is so competent to decide the manner in which official duties have been performed.

The lawyer necessarily becomes the critic of whatever relates to his business, and though the joy of victory or the sting of defeat may for the moment becloud his judgment, he will upon reflection realize that the rule by which defeat was suffered today may be the rule on the morrow by which victory in another case may be achieved.

The life of a judge is a constant struggle to keep abreast of the continuous flood of official business that presses upon him, for, by the time the assignment for one term has been completed, the

accumulated business for the next term awaits him. This constant pressure might well be likened to impounded water above a dam, the weight never ceasing, and in case of flood may overwhelm restraint and burst all bounds. Judge Wilson never permitted the flood of cases to get beyond control, as invariably his assignments were completed, and at the time of his death no case remained on his desk in which an opinion had not been prepared.

Judge Scholfield, in his remarks at the memorial for Judge Pinkney H. Walker, with the clarity for which he was noted, described the life of a judge as follows: "There is nothing in the character of the duties of a judge to excite the enthusiastic admiration of the populace. A judge wearing his life away in patient toil among records and books, a martyr to his sense of duty—is not a spectacle to enlist the applause of the multitude. Such a life is too barren of tragic incidents, too unromantic, for its history to be embalmed in song or story; and yet, to the few who are capable of accurately appreciating such a life, it is grand and heroic. Its results are protection, peace and happiness to mankind, through the just enforcement of the laws; and these, in every right estimate, are far above the results of a life devoted to the acquisition of individual power and the perpetuation of individual fame, as are those of most of the idols of history."

But little may be added to what has already been said today, and the excuse for saying more lies in the fact that in the conference room of the court there is an intimacy of association, and a disclosure of the innermost workings of the mind which exists nowhere else, and thereby we learn to know each other much better than do others in the various walks of life.

Lord Lyndhurst once said that the highest requisite of a good judge is always, and under all circumstances, to be a gentleman, and this includes many other things—constant patience and kindly consideration for the imperfections and individual traits of practitioners. Judge Wilson was all of this, and more. He was one of those delightful spirits Providence seems at times to bestow upon a community. Of all of the members of this court who have departed, none has left behind him a deeper feeling of personal loss, or of more grateful remembrance for kindly acts towards one and all. We have lost one of our wisest, kindest, and truest friends.



While he abhorred everything vicious or mean, yet, he was most tolerant of human nature with all of its faults and frailties. His interest in humanity was great. His training as a lawyer increased this interest. He studied men as much as he studied books, and knew the story of human life in all of its phases. He was familiar with men of every rank and station; he knew the depths of their feelings, and the heights of their aspirations. In passing judgment upon them he did not condone their faults, and neither did he overlook their virtues. He seldom spoke harshly to any man, and was patient with those who tried him sorely.

Judge Wilson was a quiet and unassuming man, yet possessing great skill and ability. He would not urge his opinion upon others, but would express it in clear and unmistakable language. He never grew ruffled or excited, and possessed a calmness of mind which enabled him to reach the heart of any proposition, however confused by words or argument. His views were expressed with clearness, and in a few well selected words. He had a high regard for the dignity and responsibility of his office. His sense of duty prompted him to give his work his best thought and effort. He was ambitious to keep his work up, and was solicitous of the reputation of the court of which he was a member. He had the attractive personal qualities which might have won for him high political honors; and the ability to acquire the clientele for a lucrative legal practice. Thus, he might have won fame or fortune, had ambition led him in that direction, but his goal was to be a good judge, and to have the confidence of the people and the respect of the Bar. The memorials presented today disclose how well he succeeded.

The most striking personal characteristics of Judge Wilson were his sense of humor and his uniform good nature. He saw the best side of every event and of every person; no problem could be so difficult but with a few words he could relieve the strain which sometimes follows prolonged discussion. I never heard him speak ill of anyone, or address an unkind word to any associate, or to any of the many persons connected with the court. His whole life was one of useful service: To his country as a soldier; to his client as a counsellor; to his community as circuit judge; and to the State at large as a Justice of this Court. He occupied a

position of responsibility in each of these relations, and discharged the duties of each with ability, courage and fidelity.

A judge of his character and standing is a tower of strength, and no one ever doubted that the opinions of Judge Wilson were honest and impartial.

Time cannot lessen the hold great men have upon the hearts and minds of their generation. In one sense they never return, but in another and actual sense in our hours of need they are with us always,—in doubt or distress we feel the support of their words and deeds. We shall long feel the loss of Judge Wilson; his wise and prudent counsel; his genial and sympathetic fellowship; his helping hand in our labors, and, above all, the support and shield of his incorruptible mind and character.

#### MR. CHIEF JUSTICE SIMPSON :

The memorial to the late Mr. Justice Wilson and the remarks relating thereto will be spread upon the record of this Court and copies thereof will be sent to the family of the late Mr. Justice Wilson by the Reporter of Decisions of this Court. As a further mark of respect, this Court will adjourn until 9:30 o'clock to-morrow morning.

**REPORTS**  
**OF**  
**Cases at Law and in Chancery**

ARGUED AND DETERMINED IN THE

**SUPREME COURT OF ILLINOIS.**

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**VOLUME 409**

CONTAINING CASES IN WHICH OPINIONS WERE FILED IN MARCH,  
MAY, JUNE, AND SEPTEMBER, 1951, AND CASES WHEREIN  
REHEARINGS WERE DENIED AT THE MAY AND SEPTEMBER,  
1951, TERMS. ALSO TABLE OF CASES ON LEAVE TO AP-  
PEAL AND WORKMEN'S COMPENSATION DOCKETS  
FOR THE MAY AND SEPTEMBER, 1951, TERMS.

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**EDWIN HILL COOKE,**  
REPORTER OF DECISIONS.

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**BLOOMINGTON, ILL.**  
1952.