

William J. Fulton
1942-1954

© Illinois Supreme Court Historic Preservation Commission
Image courtesy of the Illinois Supreme Court

A native of Lynedoch, Ontario, Canada, William John Fulton was born on January 14, 1875, the second of nine children of James and Jennie Gray Fulton. When William was about five years of age, the family came to the United States, settling near Waterman, Illinois, and then relocating to Hartford City, Indiana. Following his education in the Waterman and Hartford City public schools, the family moved to Sycamore, Illinois.



“Billy” Fulton enrolled in the University of Illinois and became the school’s varsity second baseman and team captain. He led the team in hits during his senior year with a .400 batting average, and George Huff, the University’s longtime director of athletics, would choose Fulton as a member of the “all time” Illini baseball team. “It was said by experts,” reported the local newspaper, “that he could have been a major league player.” He was a member of Phi Beta Kappa honorary scholastic fraternity as well as Phi Delta Theta social fraternity, and president of his senior class, graduating in 1898.¹

Two years later, Fulton received his degree from the University’s Law School. Admitted to the Illinois Bar in 1901, he married his college sweetheart, Laura Busey of Urbana, Illinois, on November 26 of that year. They became the parents of two sons and a daughter.²

A lifelong staunch Republican, Fulton began his career in Sycamore as a law clerk and court reporter. From 1903 to 1909, he held the office of City Attorney and in 1913 won appointment as Master in Chancery of DeKalb County. During that period he was also a member of the firm of Faissler, Fulton & Roberts. In a 1923 special election, Fulton was chosen Judge of the Sixteenth Judicial Circuit, winning reelection in 1927, 1933, and 1939.

In 1930, after the Supreme Court justices appointed Fulton a judge of the Fourth District Appellate Court, he served both the appellate and circuit courts. In 1932, he transferred to the third district and was a member of that court for ten years.³ “Several years ago,” the *Chicago Bar Record* reported in 1942, “he was the only Judge in his circuit for three years, during which time he alone kept up the dockets of the courts of that busy circuit.”⁴

Elected to the Illinois Supreme Court in 1942, the “small of stature, but possessed of boundless energy” Fulton carried eleven of the twelve counties in the sixth district. He would serve for twelve years, including terms as Chief Justice in 1944-1945 and 1948-1949.⁵

In 1944, two years into his Supreme Court tenure, Fulton described the experience:

It was something of a change for a man who had served on the Circuit bench for nearly twenty years. There I spent some of the happiest days of my lifetime. In the trial court one is surrounded by lawyers, witnesses, jurors, court fans and the parties litigant. There is the daily friendly meeting and discussion in chambers and the open forum in the court room.

The Supreme court is a new and vastly different character of service. There is no glamour or excitement about the duties of a Justice of this Court; there is plenty of hard work, interesting work, and I might say, fascinating work. The cases considered at each term involve nearly phase of human activity,

constitutional, corporate and individual. The fact that most cases come to our court for final determination, and that our decisions must necessarily bring disappointment to some and happiness to others carries a sacred and grave responsibility to each member of the Court.⁶

In the 1944 *Kinsley v. Kinsley* case, Chief Justice Fulton delivered the controversial decision that overruled the Cook County Superior Court in a divorce proceeding. That court had dismissed without prejudice a complaint for divorce filed by Frederick Roy Kinsley, who charged his wife, Verona Halla Kinsley, with adultery. According to his testimony, while he was overseas for eighteen months, his wife had given birth to a child by another man. The Superior Court cited a section of state law that prohibited a decree of divorce “without the appearance of the plaintiff in open court,” even though Verona Kinsley admitted that her husband was not the father of the child.

“We are mindful of the public policy of the State,” Fulton wrote, “in favor of preserving marriages and permitting divorces to be granted only upon strict compliance with the statute relating to divorce, but under the statute we have in Illinois, it appears to be clear that the chancellor should only be bound to exercise his discretion as to whether there is evidence which satisfies him the cause for divorce has been proved by reliable witnesses in open court. In determining that controlling factor, the court may take into consideration the presence or absence of the plaintiff in open court at the time of the hearing.”⁷

The decision attracted widespread legal and public interest. “The dangers of promoting so-called ‘mail order’ divorces,” reported a Michigan bar journal, “must be weighed carefully against the many injustices which might well arise by reason of the absence in foreign lands of

numerous individuals whose domestic difficulties have caused them to seek relief in the divorce courts, and who cannot appear in open court and testify in their own behalf.”⁸

In one of his final Supreme Court decisions, Fulton in 1954 delivered the opinion affirming the constitutionality of the Chicago Regional Port District. The Cook County Superior Court, in *People ex rel. Gutknecht v. Port District*, validated the 1951 legislation that established the Port District. In a twenty-page opinion, Fulton discussed and rejected Cook County State’s Attorney John Gutknecht’s constitutional objections to the Port District statute. “The action of the court in sustaining that legislation,” wrote Chicago Bar Association President R. Newton Rooks in 1961, “has done much to foster the growth of Chicago as a world port, and the full benefit of the decision has not yet been realized.”⁹

After twelve years on the Supreme Court and continuous service on Illinois courts for thirty-one years, Fulton quietly resigned in 1954 because of his invalid wife’s failing health. Remaining active in Sycamore civic affairs, he was a member of the town’s Mason Lodge, Elks, and Chamber of Commerce, as well as the Illinois and DeKalb County Bar Associations. A longtime president of the Sycamore Board of Education, Fulton also helped organize and served as president of Sycamore Building & Loan Association.¹⁰

On March 24, 1961, following months in the Sycamore Municipal Hospital, the eighty-six-year-old Fulton died. Services were held at Federated Church in Sycamore, with burial in Elmwood Cemetery beside his wife, who had died two months earlier.

¹ *Chicago Bar Record*, 23 (1941-1942), p. 419.

² *True Republican* (Sycamore), 28 March 1961, p. 1.

³ *Chicago Bar Record*, 42 (1960-1961), p. 478.

⁴ *Chicago Bar Record*, 23 (1941-1942), p. 419.

⁵ *Chicago Bar Record*, 23 (1941-1942), p. 420.

⁶ *Illinois Bar Journal*, 33 (1944), 70-71.

⁷ *Kinsley v. Kinsley*, 388 Ill. 194-98.

⁸ *Michigan State Bar Journal*, 23 (1944), 587; *Chicago Bar Record*, 26 (1944-45), 23.

⁹ 21 Ill. 2d, 5.

¹⁰ *Chicago Bar Record*, 42 (1960-1961), p. 478.