

Henson, James E.

Interview by
Miss Betty Turnell

for the
Decatur Public Library

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Mr. James E. Henson Interview

January 26, 1984

This is a recording of the experiences and reminiscences of Mr. James E. Henson. The narrator is Mr. Henson, and the interviewer is Betty Turnell. The recording is being made at the request of the Decatur Public Library in Decatur, Illinois, at the office of Mr. Henson at 227 South Water Street in Decatur on January 26, 1984.

Q. Mr. Henson, I believe you and your family have been long-time residents of Decatur.

A. All my life!

Q. Can you tell us something of your background, of your family, and early life?

A. My father's name was James Atlas Henson. He was born in Shelby County in 1874. He and his family moved to Decatur in the late 1890's, and I was born of him and his wife, Clara May Morthland Henson on the 27th day of June, 1902, in a house located on a street in the southern part of Decatur named Polk Street, which is now abandoned and in use as part of a highway system for the state of Illinois. I was the only child of James A. Henson and Clara May Henson. We lived at the location on South Polk Street until I was about five years old. We then moved to what was the 900 block of South Broadway. I attended first the Jackson Street School, which was located at the Northwest corner of South Jackson Street and Sheridan Street. In the second grade I was transferred to Riverside School, which was located on East Cantrill Street. From Riverside School I was returned to Jackson School and finished the grades in Jackson School. From there I was registered in a departmental school, located at the corner of North Street and Broadway. From there I graduated into Decatur High School and graduated from there in 1921.

At this point I should tell you that there are no monuments left to my memory since every school building has now been torn down. Two of these properties are now occupied by housing projects.

From Decatur High School, from which I graduated in 1921, I entered Illinois Wesleyan Law School in Bloomington, Illinois. This was a law school handled by practicing lawyers in Bloomington, who were well qualified as teachers and attorneys in court. In 1924 I graduated from Illinois Wesleyan Law School. In that year in the month of July our class, always with graduates from other law schools in the state took the bar examination in the city of Chicago and later on a great number of us received our notification that we had successfully passed the bar examination.

Following that experience, we went to Springfield in month of October, 1924, and received our licenses to practice law, after which, my father, who was a lawyer, brought my cousin, Martin E. Morthland, (who had attended all these schools with me and graduated with me from Wesleyan Law School and took the state bar at the same time) and me into practice with him. We were admitted to practice on January 1, 1925. We entered the practice under the firm name of Henson, Morthland, and Henson. The name Henson has been in the law field since 1907. My father died in 1935. My mother died in 1941.

Mr. Morthland and I continued to practice law in a building at 227 South Water Street, which my father had constructed. We continued our firm until his death in 1935. In 1939 Martin E. Morthland became a candidate for County Judge. He was elected to that office. He followed to serve as a Circuit Judge and in my opinion made one of the finest judges that Macon County, Illinois, ever had. I am still at the age of 81½ practicing on a limited basis.

I married Eva Josephine Young on July 15, 1925. We lived together as husband and wife until the year 1979 , on August 19, when she departed this life. We had four children born to our marriage, all girls - one, named Josephine, died at birth. I have three living daughters. Their names are Mary Louise Snelson, Eva Joann Luckenbill, and Clara Eloise Peters. They all three are parents of a total of 14 children. All of my grandchildren are alive. I have one granddaughter who is now practicing law in the state of California. All my grandchildren who are eligible to do so have graduated from college with the exception of one. The others are on their way to a college degree.

I think that probably gives you a fair amount of information about the Henson family.

Q. I think that's an exciting and honorable career, and you ought to be proud of the contribution your family has made.

A. I'm very proud of my grandchildren. They are very courteous gentlemen and ladies, and I can't sing their praises enough. I should say that the credit for the education and training of our daughters belongs to my wife. She was the supervisor of our daughters, and she did a wonderful job. Many times I have expressed my appreciation to her for the fine wife, mother, and grandmother she made. I've been lost without her. She was my helper. I tell everybody she was my queen.

Q. Mr. Henson, you've told us that you really inherited your interest in the law from your father. Was this a natural interest on your part?

A. Very definitely. He wanted me to become a lawyer, and of course, I grew up in that atmosphere. I should emphasize one thing else at this point.

I have mentioned Martin E. Morthland, who was my cousin and a very, very bright individual. He and I grew up together. He was one year older

than I was. We grew up as close as two brothers. When we entered into the practice of law, my father told us that we were going to be partners on the first day we entered. We were not going to be working for him. We were to be partners. That relationship continued during the balance of his life and beyond that until Mr. Morthland was elected judge and the relationship was terminated.

Subsequent to his termination of the practice of law, his son, Richard F. Morthland, took up law as did his son Donald W. Morthland, both of whom came into my office and immediately upon their entry into the practice they were told that they were not working for me: they were partners and that partnership continued until Donald W. Morthland followed his father's footsteps and became elected County Judge. He is now a Circuit Judge and doing a very fine job in handling matters in court. Richard Morthland and I continued in the practice and subsequently took in T. G. Bolin as a third member of the firm under the name of Henson, Morthland, and Bolin.

I go back to tell you that I was very much influenced by my father to become a lawyer. I had, of course, followed his thinking in a great many matters, and I felt that I was living with the law and would like to be a lawyer. I was very fortunate to have parents who were able, willing, and anxious to help me in my endeavors to gain the right to practice the profession. I must again sing their praises as being so helpful to me.

- Q. Your father must have been very far-sighted to bring two young men into the firm under those circumstances.
- A. I think at the time Mr. Morthland and I were taken in and let me point out that on the first day we were in the office, my father said, "Now you are both going to be treated the same." He emphasized the fact that Mr. Morthland was more particular than I was. He had learned that by observing us over

the years. In our first day in the practice, he said, "Now, Mort, you are going to be the manager of the office and, Jim, you will be doing trial work." He never showed any preference between me and Mr. Morthland.

We associated in married life. Our families were very close with each other. He unfortunately died at an early age of 61. That's about the same age my father was when he died. We had a very friendly arrangement, and were very close together.

Q. That is really a very thrilling story. Now, you say you completed your training at Illinois Wesleyan Law School. That school is no longer in operation, is it?

A. We attended Illinois Wesleyan Law School because my father had graduated from there ahead of us. He was originally a brick layer by trade, but he wanted to become a lawyer. He had not graduated from high school, but he went to James Millikin University and took the necessary courses to qualify him as a graduate of high school so that he could enter Illinois Wesleyan Law School. He was elected to the Illinois State Senate as senator from this district in the year 1904. He served in the Senate for eight years up until 1912. It was during this period of time that he attended Illinois Wesleyan Law School, and graduated and became licensed to practice.

Q. You went to law school for three years, I believe.

A. Yes. At my time we were able to go to law school for three years directly out of high school, but that is not the situation today. We had practicing lawyers, very good ones, as our instructors. We went to school for one hour in the morning and one hour in the evening Monday through Friday, and one hour on Saturday morning, making a total of eleven hours a week attendance at law school. That continued over the period of three years. These practicing

lawyers gave of their time as our instructors. That was the type of school we had, and I think a great number of the graduates of Wesleyan Law School became lawyers. A few of them were practicing lawyers in Decatur - Howard Helmick, who was a former partner of my father, was a graduate of Wesleyan, Arthur F. Gillanty was also a graduate, as was Melvin Wright, a tax attorney. Those folks are all deceased. The law school had a very high reputation over the state. The classes were made up of men. We had one girl from Danville who entered law school when I did, but she stayed only a short period of time before going back to her home city. Our class was a class of men. There were no other women. We had three classes - sophomore, juniors, and seniors. I don't believe a woman graduated from law school during my three years there.

Q. You said your father thought you should become a trail lawyer. Was that where you spent most of your practice?

A. Yes. That is, I did a great deal of practice, when our firm was at full strength - along with my father. He was a trail lawyer. Mr. Morthland, I should emphasize, was a very bright student. He was a very well educated attorney. He had a memory I often bragged about and that I didn't have. He could remember names and numbered pages of books for certain cases. He could remember faces. He had great ability that I did not have, but we were able always to get along. I never had any difficulties in the practice of law as long as he and I and my father were together. So early practice was certainly an enjoyable period in my life.

Q. Now, do you think you would call the trial your speciality in law?

A. We were pretty much general practitioners. You might have a certain amount of trial work, but eventually a great many lawyers try over their period of

to become more "office" lawyers than "trial" lawyers. I always thought trial work was more difficult than office work; however, lawyers today unless they completely want to specialize in some certain thing, and we don't have very many persons who could be classified as specialists in our Decatur Bar Association.

I always thought that the practice of law and trial work in particular was a difficult procedure. Being an office lawyer requires the ability to go to the library, go down and put in hours checking the law and attempting to find what you need to present the court. That isn't anything that's "soft." It demands a substantial intelligence. Mr. Morthland was an expert in that field. I don't mean by that that he never tried any law suits. He did not care for trying law suits. He preferred doing office work - preparing the instruments and dealing in estate matters and things of that kind. There were no contests about them.

Our system worked out very well in the way we established ourselves in different fields.

As I said, my father died at an early age. Prior to that, he was incapacitated a great deal of the time. I want to tell you one experience. My father was ill. He didn't want to show it, but my mother and I could determine it, as did Mr. Morthland. He had built the building that I now own. Later on, we put on a second story to the building. He was alive at that time. The first floor was built in 1927, and we moved in in late 1927. His health was not good. There were days he could not make it to the office. Mr. Morthland and I went to our home and talked to our father one time. We suggested that he just forget about the office and that he and my mother (whom I called "Mom") just take the car (at that time a Model T Ford) and just roam around the country. I knew he liked to be out in the country and to see the way people

lived. His response to my suggestion was "Jim, I'm never so happy as when I am in that office." I told him that Mort and I would get him to that office if we had to throw him over our shoulders and carry him. He came until it was impossible for him to come, and he died in 1935.

I keep bringing in my cousin, Martin E. Morthland because I want to honor him as being, first, a wonderful student and a very good lawyer and, thirdly, an exceptionally fine judge. That's my belief. He has been dead for a number of years, but I still miss him, as I miss my wife.

- Q. Let's talk a bit about changes in the legal system over the years. There have been many, haven't there?
- A. There has been a great deal of change. One of the changes I think of at the beginning is that when Mr. Morthland and I came into the practice, we had Justices of the Peace, who tried and took care of all of the small matters, such as a law suit for \$50 or a law suit for \$150 or an arrest for disorderly conduct. These Justices of the Peace seldom were lawyers. We had a few that were lawyers, but they did not receive a salary as the judges do. They received a fee from the cases that were before them. We had a Police Magistrate. His responsibilities were to care for the minor violations of law - misdemeanors, traffic violations, and that type of procedure. He likewise was on a fee basis. It was determined later on by the Bar Association that this was out of date. We ought to have lawyers taking care of all court matters. That has been good in a number of instances but bad otherwise. The salary of the judges in the Circuit Court. (Incidentally, the County Court we used to have is no more. We have nothing but Circuit Court, and we have Circuit Judges and Associate Circuit Judges. The Associate Circuit Judges now take care of all these small matters I talked about. If you have a claim against a person for \$100, you go to the clerk's office and

do this individually. You do not have to have a lawyer. You can sign a paper and call a complaint and the clerk will help you fill it out. The clerk then draws a number or name, and that is the judge you go before. That is an Associate Circuit Judge. The Associate Circuit Judges are lawyers the same as the Circuit Judge. They differ only to the extent that their salary is less than that of the Circuit Judges. The Associate Circuit Judges now receive a salary of \$45,000.

(End of Side A. Please reverse the cassette.)

It has always been my contention that it's an expensive proposition to have a judge who receives \$45,000 a year to be hearing cases that involve \$100 or \$200. I never was 100% in harmony with the new judicial system, but I must admit that it has worked out rather successfully. I feel and will always feel that we ought to have a system in which the judges and particularly associate judges are not called upon to handle, decide, and determine small items as I have just referred to. But the system, as I say, is functioning very well. I would point out, however, to the people in the future, that when I started practicing law we had one Circuit Judge for the County of Macon, who handled all matters directed to the Circuit court. We had one County Judge, who handled, to a great extent probate matters, and dependency and delinquent matters, plus the Justices of the Peace I have referred to. Now we have in servicing Macon County only four Circuit Judges and four Associate Judges. So we have eight judges serving particularly Macon County. However, they are eligible to handle matters in any county if they are directed there. So that the legal work in Macon County now as compared to when I started is tremendously greater. The courts are busy every day, and that means we can have eight court rooms handling

legal matters of participants at the same time; as I pointed out, that wasn't true when I started to practice law.

Q. Do you think people rely too much on the legal system?

A. I think the general public take it all for granted. I don't think anybody can dispute that it has been an improvement, a very substantial improvement, because the lawyers who are selected Circuit Judges or Associate Circuit Judges are first lawyers. They have had to go through law school and obtain their license to practice. So they are naturally better qualified than just the man on the street who is elected Justice of the Peace. My only fault I find is that it is too expensive to have these small matters handled by a judge whose salary is as high as they are. I personally would like to see the system corrected so as to make arrangements for someone whether a lawyer or a layman to handle small matters at a substantial lesser expense.

Q. Do you think more cases could be settled out of court?

A. On that point, it was always my policy and that of the lawyers I dealt with in years gone by to believe that we tried to and did settle more arguments in our offices than are settled in offices today. However, my feeling about that could be incorrect because the volume is so much greater today. But I recall, and I mention this because over the years he has been a personal friend of mine, Emanuel Rosenberg and I (his name is shortened to "Manny" instead of "Emanual.") practiced through our early years and had a great many matters - family matters - when we were on adverse sides. I know that our experiences were to try to settle matters, particularly where children were involved, out of court. The divorce law today is a mockery. I've been opposed to it ever since they made it so easy for a person to get a divorce. I'm opposed to that. I think the children suffer. It wouldn't make too much difference to the man and woman

if there weren't children involved. They are the ones who are suffering, and I have difficulty believing that many situations are made better by a divorce. We have a problem of support for children. So many divorces are being granted that it's shocking for me when I see and read about them. Now today if you sneeze at your wife or she sneezes in your presence, that's nearly grounds for divorce. You walk into court - you used to have to have witnesses to testify about real facts - now they don't have to have facts. They get mad at each other and are ready to go to the divorce court. The children don't have a word to say about it, and they are the ones who suffer. I want to be marked down as being an old-time lawyer who believes that whoever conceived the idea of making divorces so easy is crazy. The procedure should be tightened up. It's gone on long enough to prove that it hasn't bettered conditions at all, and particularly it hasn't bettered conditions for children. I heard the President's speech of last night, and he referred to the fact that something had to be done about fathers of children who aren't paying for their support. I believe that we have a shortage of the law to protect the child of divorced parents, and I think more thought and more effort should be put into making the procedure more effective so the parents can be made, even after divorce, to care for their offspring.

Q. Maybe now we can talk a minute about the city of Decatur. You've seen many changes in the city, haven't you?

A. Well, as I mentioned to you before this session, one of the important changes that occurred in my lifetime was the fact that we used to have as transportation equipment called "interurbans". The station in Decatur was immediately north of the property I now have at 227 South Water Street. I like to mention that, because going to law school, every morning at 5 o'clock

I left on an interurban for Bloomington. It took two hours to get from Decatur to Bloomington. I would arrive in Bloomington at 7 o'clock and go directly to law school. I did that for the greater part of three years. Later on I had the benefit of an automobile, in the last year of my schooling. So now we have a parking lot where we used to have the interurban station, and across the street where we now have the County Building, when I started practicing law we had on the southeast corner of Wood and Water Streets our Court House. It was a three-story stone building. We had to the south part of it a portion that was used as a city jail. East of the Court House was a building used as a residence - the Sheriff lived there. Back of the Sheriff's living quarters was the Macon County Jail. That building is no longer there and hasn't been for a number of years. We have the new Court House, which is now too small for the demands upon it.

I think of the territory where I lived, down on south Franklin Street - down where we called the bridge across the river - the Sangamon River - the "County Bridge". It was a covered bridge I recall very distinctly the building of the present dam. When I was a young person, we did not have the lake. We had just the Sangamon River. A great portion of the north side of Lake Decatur, from Franklin Street to Maffitt or Jasper Street was all low land, with the Sangamon River circling around over to the south.

When I was a young person, I carried the Decatur Review newspaper. One of my customers was a person who lived in a house which if it were in existence today would be about in the middle of Lake Decatur at the extension of South Broadway Street. So the lake, of course, has been a great change within my life time and within the time of a great number of people. It has been in existence for quite some years.

One of the things that used to happen with the young fellows down in my end of town was to get on the banister of this County Bridge I mentioned and dive into the Sangamon River. I remember one year that the river froze over so solidly that we had built a bobsled. We got an automobile out on the Sangamon River, with one of the young fellows driving, and tied ropes to it. With our sled and our skates, we were pulled up the Sangamon River. That I wouldn't do at my age now.

I think there have been many changes in the east part of the city of Decatur in my life time. The Staley Office Building is a big addition. We're having publicity at this time as to whether the viaduct over 22nd Street should be torn down or if traffic should be transferred to another location.

When I was a young fellow, my father used to hire a horse and buggy to take my mother and me a ride. We used to go out to the Staley Building. At that time 22nd Street was known as 7th Street, and we used to cross some 10 or 15 railroad tracks where the viaduct now is. That was then the extreme east part of the city of Decatur. It was all vacant land east of there.

Of course, buildings such as the Masonic Temple, several new churches, and all the new industry in the northeast part of the city have all come about during my life time.

Mentioning Lake Decatur - when I was a young fellow, we had a bridge across the Sangamon River. We called it the "Maffitt" Street Bridge. Then there was another we called "Lost Bridge". Most of those have long been out of existence.

Of course, there was "Ray's Bridge" territory. I happen to have in my office a picture of the railroad bridges. It was the Wabash Railroad Bridge across the Sangamon River. Of course, the interurban that went to Champaign and Danville crossed on those tracks. That bridge is still there. It's out near Faries Park. Faries Park, of course, is something that has been established within my life time.

We don't have much industry to the west part of the city, but we have many residents that weren't there when I was a young man. I remember very distinctly when the West Main Street hard road was built from Decatur to Harristown. I happened to be an employee working on that road back when it was put down. I believe it was the first concrete road out of Decatur.

To the north, the city has greatly grown, mostly in commercial and residential districts. When I think about the highway that goes through Decatur, I remember that the north part ended with the St. Teresa Convent. The high school there was built some years ago, but it is reasonably new. Then you have all the buildings along the routes from Decatur to Springfield and from Decatur to Champaign - all commercial and industry.

The town did not cover nearly all the territory that it does today. Shopping centers have all come in during my later lifetime. Incidentally, I believe the first shopping center was the one out on West King Street, West of Route 48. I can't remember the name -

Q. Fairview?

A. Yes, Fairview. I can't think of one older. I guess shopping centers are things of the future. A tremendous amount of money has been spent building them. Everything has been modernized.

When I think back to when I was a kid, I remember the first automobile that was ever in my family. My father bought a 1916 Ford touring car. It was not enclosed. It had side curtains that you put on if it was raining or if it was cold weather. The cars are constructed differently today and have been for years. I tell people that I believe we have lived during an interesting period in the history of the world. I have told you my age or my birthday. I am getting on the closer side between 81 and 82. I'll be 82 years of age on June 27, 1984. There have been some tremendous changes. The automobile has come into where now people don't have to have one automobile only. I have one daughter who is married and has two boys of working age. Each one of them has an automobile. My daughter and her husband each have one. So there are four automobiles to serve four people. I have another daughter who has four automobiles, one with a daughter in college, and three at home. They still have trouble getting everybody to the place they want to go. The third daughter had three cars until one was damaged and out of commission. There are four in that family, and they have only three cars. It is most difficult to get everyone where he wants to be at the proper time. So we don't need to say we need an automobile. The number in the family determines the number needed. Nobody wants to walk. So I think I've lived in an interesting period in life.

I've enjoyed life. I don't take too many things seriously. If I do, I'm real serious about it. I think maybe I'm a little stubborn. I have tried to build my life on a reputation of honesty. I never claimed to be the best lawyer. I always wanted to be just an ordinary human being, an ordinary lawyer. I have always tried to be honest. I despise a liar. You cannot cope with someone who lies to you. There is no way to be on even terms if you are dealing with a dishonest person.

Now in my late years, if I can be remembered as Jim Henson, who is honest and trustworthy, I will feel that my life has been a success. I hope I conduct myself in the years to come, as long as I live, so that my secretary can say that I was honest in my dealings.

I can sing my secretary's praises, for she has been very helpful to me. She is a very competent and efficient secretary. She is Sarah Patton, the wife of Circuit Judge Jerry Patton.

I have been very fortunate. I had cataracts on both eyes, and my secretary had to read to me my letters and newspapers. I was sent to St. Louis for surgery on both eyes. I believe now I can see as well as I ever could. So I have been fortunate.

Q. Mr. Henson, it sounds as if you have had a wonderful life.

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