

Justice of the Peace in Sandwich
an Oral History

John Hamill, Interviewee
Of Sandwich, Illinois

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Q: This is Helen Hayner of the Starved Rock Library System. Today is April 21, 1976 and I'm interviewing Mr. John Hamill of Sandwich, Illinois. Mr. Hamill is one of the members of the Starved Rock Library System Board of Directors. Mr. Hamill is going to tell us of his experiences as a Justice of the Peace in Sandwich, Illinois. Okay, Mr. Hamill, could we begin with a little personal background, when and where you were born and so forth?

A: I was born June 17, 1902 at Sandwich.

Q: And your education then was in Sandwich and so forth?

A: Right.

Q: You've lived there all your life I understand.

A: Yes, I'm a resident.

Q: Okay, getting right on to your experience as Justice of the Peace, could you tell us how this appointment came about?

A: Well, I was appointed to the office following the death of J. L. Kern, and sometime during the year 1942 or 1943.

Q: And you held that office for how long approximately?

A: Well I held the office until January 1, 1964 at which time the new Judicial Code took over, Code is wrong I suppose.

Q: So that would then be twenty some odd years?

A: Twenty some odd years, more or less.

Q: Okay, could you tell us where the Justice of the Peace court was located in Sandwich?

A: It was located in the City Hall in Sandwich and with very few exceptions I held court either in the Police Department or the City Council Chambers,

A: which also served as the courtroom.

Q: Now did you have specific hours or was this on an on-call basis?

A: It was strictly on an all-call basis.

Q: So this could -- you could be called at ten in the morning or ten at night, so to speak then.

A: That's definitely right, sometimes it might be at two or three in the morning.

Q: (laughs) We did have an on-call. . . Could you give a description of the duties that you carried on as Justice of the Peace and the types of cases that you handled and things like that?

A: Principal cases were traffic violations and also numerous civil actions.

Q: Now with these traffic cases, were these traffic cases involving the city itself or a larger area, the county, or what area did these encompass?

A: Well they were principally city violations or arrests made by the Police Department or the State Police. The Justice of the Peace had no jurisdiction outside the township.

Q: I see. So the State Police, if they made an arrest within your township area would bring the person into Sandwich?

A: Right.

Q: What would be some of the cases that you handled -- like were of interest with regard to traffic violations per se?

A: Principally speeding and stop sign violations or reckless driving.

Q: Any particular incidents that would be called to mind?

A: At times I had problems with the police officers, sometimes they saw a case a little different than I did and whereas my remuneration was on a fee basis I did derive a great deal of satisfaction out of finding

A: the defendant not guilty, (laughter) which at times created a problem with the arresting officer. I remember one case in particular, the defendant was charged with not stopping at a stop sign and on my way to court I had occasion to go down that particular street and there wasn't any stop sign there. So I suggested that we all visit the area and naturally when we arrived there there wasn't any sign so I dismissed the case.

Q: Defendant not guilty.

A: Defendant not guilty and I received no remuneration except the satisfaction of dispensing justice.

Q: Which is what you're there for, I'm sure. Okay, then on to some other -- you mentioned small claims, now what would this entail? Be the collections of fees or debts or what sort of thing?

A: Be a legal action for recovery on a debt. As I remember it had to be under five thousand, no, five hundred dollars. I don't recall anybody contesting the amount, therefore I'd render judgement in favor the the plaintiff.

Q: Were there many of these types of cases or was this a small number of your.....

A: Oh, at times there were a lot of them. In fact, it got to a point I was doing oh maybe four or five of them a week. Ordinarily they would pay and if they didn't, why we'd take further action such as levying on perhaps an automobile or garnishment action.

Q: You were authorized to do garnishment action?

A: Yes.

Q: Okay, then on to something we always hear of with regard to Justices of the Peace, are wedding ceremonies, was there -- were there many of those

Q: that you took part in, so to speak?

A: I had a lot of requests but it was my own personal feeling that a wedding was a religious ceremony, therefore I always referred them to a minister and I never performed a marriage.

Q: This was by your own choice, not because of. . .

A: I was more or less refusing to do it, when legally if they asked me I had to do it. I was probably violating the law. (laughter)

Q: But you were of course going with your own particular principles?

A: Yes, right.

Q: Did you ever have any argument about it or. . .

A: None whatever. There was one in particular, a young fellow came to me, he wanted me to perform a marriage ceremony and he was from a neighboring town and I said, "How come you're asking me to do this?" He said, "You don't remember me?" I said, "Well, you look familiar but I can't place you." He said, "Well, you know I was in your court on a speeding charge one time and you treated me so kindly that I wanted to return the favor." (laughter)

Q: But you didn't perform that one either?

A: I didn't perform the ceremony, no. Let's that a break here.

Q: Were there many criminal cases that come to your attention as Justice of the Peace?

A: Quite a few, there were criminal cases covered break-ins, stealing, rape, attempted murder and murder. I never handled a murder case, mainly because the defendant recovered.

Q: So then it wasn't murder.

A: I believe that I only had two attempted murder cases. One of them was -- the defendant was represented by the notorious attorney from Ottawa by the name of Taylor Wilhelm. I had heard about him and when he started

A: to shout and holler and rave like a wild man I wanted to cite him for contempt of court, but I didn't know the procedure and unfortunately the States Attorney wasn't there, in fact in those days it was hard to get a States Attorney to make an appearance in Justice Court. So I was powerless to do anything and eventually Mr. Wilhelm cooled down and I have really forgotten whether the defendant was found guilty or not.

Q: You were so involved with Mr. Wilhelm's very well known courtroom antics. Any other cases of interest along the criminal lines?

A: I did have a rape case involving an underage girl and this constituted, what was referred to in those days as a holdover, in other words the court found him guilty and bound him over to the Circuit Court. Eventually the defendant was sentenced to the penitentiary.

Q: Cases of certain types were then sent on to a higher level court? Now was this. . .

A: The only action that could be taken in Justice Court was to determine whether they were guilty or not.

Q: And then they would in effect appeal or bring the case further?

A: Then I'd issue what was called a mittimus, which was an order to the sheriff to hold him in jail until they could be tried in the Circuit Court.

Q: The Circuit Court in your case would be where?

A: Sycamore.

Q: In Sycamore, okay. Let's see, how about any cases involving domestic problems, which certainly are many of I'm sure.

A: There were numerous cases involving domestic problems, principally when the husband would come home intoxicated and proceed to give his wife a beating and black eye and so forth. I remember one in particular, I got called out in the middle of the night on that case and by then the husband had sobered up some so that I was able to hold court. We kind

A: of worked it out and the wife agreed to withdraw the complaint. So I dismissed the case, but she asked for a copy of the complaint as a kind of a souvenir of the occasion and I gave it to her. And apparently they got along all right because they raised a very fine family and they only live about a block down the street from me at the present time.

So I always felt like maybe it was a happy solution to the whole thing.

Q: Were most, say domestic cases, were they shall we say a matter of the moment sort of thing, flash argument or something of that sort rather than a long term problem with people?

A: Well most of them were -- the problem had probably been going on for some little time. I do remember another case where the wife came to me and had a warrant issued for her husband's arrest. Seems they were out in the country and they got into an argument in the car and had a fight and so she came to me and when it came up for trial I questioned them farther and found out it happened in LaSalle County where I had no jurisdiction so I had to dismiss the case. To the best of my knowledge they've been getting along famously ever since.

Q: You scared them. (laughter) Oh my! What other types of problems would you run into with just people in general in the duties of your office?

A: Well I remember a fellow, he's still alive so I won't mention his name, but an attorney brought -- I believe there were three matters involving bills before me, and they were combined in one action and he brought his wife into court. He was one of these alcoholics who -- he worked every day but as soon as he got done work, why he'd start to drink. But this evening he was perfectly sober and brought his wife like I said, he brought his wife with him. We were -- I was holding court in the Council

A: Room and we sat around the council table, I was at one end and his wife was at the other end and after it was all over with there was no contest on the bills and he admitted that he owed the bills and she never said anything during the proceedings, referring to his wife. When it was all over with she hit the table with her fist, she said, "This is it, things are going to be different." So right away I suggested that he get in touch with Alcoholics Anonymous and I didn't hear anything in regard to it in maybe a month and the attorney representing the plaintiffs told me one day that he had heard that he had contacted Alcoholics Anonymous and about three weeks later he came into my office and sat down and told me the whole story. He said, "You know, I've met some of the most wonderful people I've ever known." I said, "What do you mean?" He said, "I contacted Alcoholics Anonymous and you have no idea of the type of people that are involved in that." He gave me a card, explaining the work of the organization, and I stuck it in my wallet and I still carry it.

Q: In case you need it. (laughs)

A: No, not that I'm an alcoholic. . . (laughter)

Q: No, no.

A: . . .but somehow or other I cherish that because I felt like perhaps I helped that fellow.

Q: It would sound that way.

A: I don't think he ever drank since then. In fact, I've talked to him several times and he's -- he told me one time he visited a clinic in Chicago where they, I guess the term is they thaw out these alcoholics, and he said, "It's a miserable place, but I've been there several times and tried to help them and visit with them." Shut it off. Another type

A: of action I handled was vagrancy charge and under the vagrancy charge, the only time a Justice could commit anybody to a penal institution was as a vagrant. One time I had one of the notorious drunks in Sandwich before me and it seemed that was the only solution to the problem. So I issued a mittimus confining him to Vandalia, I've forgotten the official name of it.

Q: There is one in Vandalia, work farm or something.

A: Yes, I forgot all about it until several weeks, several months later -- he came in the office and at first I was a little bit concerned, I thought he was there to get even with me, but in place of that he sat down and said, "I just want to tell you what it's like down there. One thing, I never want to pick peaches again in my life. I don't even care if I eat them. I arrived there during the peach picking time and we picked peaches about twelve hours a day." (laughs)

Q: Probably the most work he'd done in a long time.

A: Now shut that off again. Another vagrancy problem I handled which was quite interesting -- the police had picked up a fellow that came -- in fact I don't think they'd even picked him up -- but anyway he'd been in jail all night, principally because he wanted a warm place to sleep. And this was along early in the fall, the weather had just started to get real bad and so they brought him into court. He said, "Judge, you know I just got out of the House of Correction in Chicago the day before yesterday and they fixed me up with a supply of medicine that I have to have. I don't know what I'm going to do all winter. Can't you send me down to Vandalia?" I thought, well he didn't seem like too bad a character and he was a fellow probably 65, maybe 70 years of age and he said, "If I don't get this medicine, I'll probably die." So I said, "When do you

A: want to get out in the spring?" He said, "When the weather gets fairly mild." Well I said, "About the best I could do for you is five to six months." "Well, that will be fine." So I issued a mittimus and sent him down there for five to six months, and boy, he could hardly thank me enough. He said, "I'll have a nice warm place to spend the winter." (laughter)

Q: Roof over his head and three squares a day.

A: Yes. (laughs)

Q: Goodness, I imagine there are people like that who have never lived on the outside and don't know how to cope.

A: This fellow had seen better days, I could tell that. Now, PAUSE
Another case I handled was what was called a bastardy case, nowadays it's called -- nowadays in place of being called a bastardy case it's what is known as a paternity case. In this particular case the young fellow was -- daughter of some friends of mine, but the father wasn't much account, his mother was in court. The plaintiffs in this case were the parents of the girl involved and she was probably -- from all appearances she looked like she was about a week from being a mother. Her parents were both there and -- but nobody would speak to each other, it was quite a problem. I found on the plea of guilty -- ~~shut this off~~. This constituted a holdover case and I set the bond and -- but the mother couldn't come up with any money and the boy's grandmother was pretty well fixed and I would have accepted her check or her signature on a bond, but she wasn't available that day. So I had to release the young man on his own recognizance to appear in County Court. I believe that they got married before the baby arrived, but they didn't live together very long, so that's the end of that.

Q: What would be considered a forcible detainer case that you would have handled?

A: Well, forcible detainer case was an action taken by a landlord to regain possession of his property, rental property. Naturally it involved non-payment of rent, although occasionally it would be a case where the property had been re-sold and the new owner wanted to get possession. Upon finding for the plaintiff you'd issue an order to the constable to restore the property to the owner. Constables didn't delight in doing that, because they had nothing to do but set the furniture out on the street. They had, if I remember correctly, they had about 90 days to do that in. I don't believe that a case in my court ever went that far, where they had to actually. . .

Q: Evict the. . .

A: . . .evict the tenants and put their furniture out on the street, which was very fortunate.

Q: Those can be very, very emotional types of situations that can cause many, many problems.

A: Right.

Q: Were you ever exposed to any, shall we say, threats or doing dastardly deeds upon your person with regard to your judgements?

A: I had one case that I remember distinctly and I've forgotten what the charge was, but anyway after the action was all over with the defendant he said, "I'll get you for this." So several months later I was walking down the street in Sandwich and I saw him coming in my direction, I thought should I turn around and run or what. Then I decided I'd just continue on my course. When I got up to him, he held out his hand, he said, "Let's shake hands, you were doing your duty, I don't hold any grudge against you at all."

Q: Was ever any -- you mentioned this one instance -- were there any other say minor type problems along those lines or did people generally accept what you had done for or to them, in the spirit in which it was given?

A: That's the only one I recall vividly, or have any vivid recollection of. From the time when I first took office I realized that the entire system was wrong, it shouldn't be on a fee basis because there was so many cases that I knew of where Justices of the Peace had rendered unfavorable judgements just so they would be paid. I got just as much satisfaction out of finding the defendant not guilty when I didn't receive any remuneration. Therefore, I felt that the criminal -- when there was a change in the court system that it was a great step forward.

Q: You received no training to prepare you for being Justice of the Peace, did you or did you not?

A: No.

Q: So it was a -- you used your common sense and good judgement then in accordance with this?

A: Right. Now perhaps there were a few Justices that were attorneys, but very few. In fact I only knew of one.

Q: And this would be in the area you're speaking of?

A: Right.

Q: How many Justices of the Peace were there in say the township, or were you the only one?

A: There were two Justices of the Peace and they were township officials. There was a Police Magistrate who had the same duties but he was a city official and the Justices of the Peace were also a member of the governing body of the township, the town board. In fact the two Justices of the

A: Peace constituted the town auditors and once a year we had to audit the township books.

Q: So that was an added duty?

A: That was an added duty.

Q: Do you feel that judicial reform helped the situation as far as dispensing of justice in your area?

A: I believe it did, although it added greatly to the cost. The Justice system was something that was patterned after, in fact it was definitely patterned after the English system, seeing as this section of the country was settled by the British.

Q: Mr. Hamill, could you explain the system of fees and fines and so forth with regard to the office. The fee was what was retained by who, and what happened to the fine if there was a fine imposed?

A: Well, the fees were ridiculously small, the initial fee in all cases was two dollars and a trial fee was three dollars, and proving the bond was a dollar and transcript which was required in every case was a dollar. In civil actions you could demand the fee in advance, but in a violation of ordinance or a criminal action you either had to bill the city of the county.

Q: So now if I came to -- if I was a defendant in a traffic case and you found me guilty you -- my costs would be your fees and whatever fine that you imposed?

A: Right.

Q: Now you would get what portion of that?

A: I would get the fee.

Q: And the fine would go to?

A: The city or the county. Although the fee on a holdover case, I would bill the county for, send them a bill once a month or quarter, once a month I should say.

Q: Now most fees were paid in cash at the time -- both fee and fine was paid in cash at the time.

A: Right, yes. PAUSE . . . was a common reference to Justice Court that was "kangaroo court" which in a lot of cases was well named. Although there was some merit that the cost involved to the plaintiff or the defendant didn't amount to very much. I believe nowadays the fee schedule is much higher, it would have to be.

Q: Than it was when you were. . .

A: Right. I never held court in my home, lots of Justices did. I have a feeling that it should be held in the City Hall.

Q: Was this a question of atmosphere or propriety?

A: Well, both, both. Both atmosphere and propriety.

Q: Did you ever have people knock at your door at home with a problem or situation, knowing that you were the Justice of the Peace?

A: Oh, numerous times, sometimes in the middle of the night.

Q: Would you then repair to the. . .

A: Right.

Q: . . .City Hall.

A: Or I would take down the facts and make out the warrant and we would hold court the following day or at a later date, if that was necessary. Domestic problems, I tried to solve out of court. I always had the feeling that good common sense entered into it, the operation of the court system.

Q: Thank you very much, Mr. Hamill for making this interview with us.

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PLACE Ottawa, Ill

DATE May 7, 1976

John H. Hamill
(Interviewee)

Helen E. Hager
(for Stamuel Rock Library System)