

IN MEMORIAM

HON. OWEN N. HEATON

The Allen County Indiana Bar Association again bows in solemn reverence to the memory of a lately departed member. The hand of Death has removed from our midst our oldest and in many respects our most remarkable associate.

Born some six months before the firing upon Fort Sumter, Judge Owen N. Heaton's life span covers more than one-half the history of this Republic. The opportunity accorded him to witness, and to participate in the many developments, advancements and changes enjoyed by America over so long a period has been experienced by relatively few individuals. As a child in Marion Township of Allen County he breathed the patriotic fervor which accompanied news of American gallantry at Gettysburg, Antietam, Fredericksburg and Appomattox. His juvenile soul was enraptured by the matchless leadership of the immortal Lincoln and was saddened by reports of his assassination. He mastered the McGuffey reader in a one-room country school and lived to witness the passing of both those fundamentals of early academic training and the gradual development of the modern educational system. He lived the rigorous life characteristic of a pioneer farm boy in this county eighty-five years ago and later observed the swamps, the forests and the dirt roads of his day transformed into a veritable Eden of rural prosperity and production. The product of a period in our history in which our people were prostrated and impoverished by the war between the states, he was privileged to witness the widest growth and broadest expansion ever experienced by a great country. He participated in the accompanying advancement of this community. Indeed, he lived and wrought during a most challenging, interesting and significant period of American history.

Judge Heaton cultivated his ambition to become a lawyer while teaching country school and pursuing his training in the Fort Wayne Methodist Episcopal College. He had availed himself of every opportunity to know the local lawyers of that day and to witness their court room endeavors. Upon graduating from college in 1884 he studied law in the office of the late William P. Breen, then a promising young leader of the profession, and was admitted to the Bar in 1885.

After five years of association with Mr. Breen, he formed a partnership with the late Judge William J. Vesey which continued until his election to the Superior Court Bench in 1902. At the conclusion of eight years of judicial service he re-entered active practice of the law and was associated with his brother, Ben F. Heaton, and, among others, George Shiffer, Harold McClain, Hon. Dan C. Flanagan and Theodore Cook. He retired from the active practice some three years ago.

Judge Heaton's life pattern was characteristic of many successful lawyers: First, a period of active practice, followed by judicial service, and thereupon tenure as the president of a bank, during which his identity with the law was maintained. He organized the Citizens Trust Company before his election as Judge and became its president after retirement from the Bench. He served in that capacity for some twenty-two years.

Judge Heaton was a loyal and devoted member of the legal profession. He conscientiously endeavored, at all times, to exemplify the highest ideals of the lawyer. He was a member of both the American and Indiana Bar Associations, as well as an active member of this, the Allen County Indiana Bar Association. He was one of the founders of the Commercial Law League of America and served as its president for several terms. His stature as a lawyer was enhanced by his varied and numerous activities in the religious, civic, fraternal and political life of the community. As a ruling elder of the First Presbyterian Church and the leader of its Men's Bible Class, he served that congregation with genuine devotion for many, many years. He was long a member of the Y. M. C. A. and served it both as a Trustee and as a member of its Board of Directors. He was a familiar figure at the round table of the Old Commercial Club and later at the Fort Wayne Chamber of Commerce. Every worthy community project enjoyed his interest and generous support. He was a Blue Lodge and Scottish Rite Mason, a member of the Commandery, of Mizpah Shrine, of the Knights of Pythias, of the Citizens Historical Association, the Fort Wayne Quest Club, the Columbia Club of Indianapolis and the Benevolent and Protective Order of Elks. In politics, Judge Heaton was a Republican and rendered outstanding service to his party as a leader in northeastern Indiana. He enjoyed intimate friendship with many prominent

Republican Governors, United States Senators and Congressmen. The esteem in which he was held as both a man and a trusted public servant is attested by his election and re-election to the Superior Court Bench at a time when his party was the minority party of the county.

Though many of the present members of the Bar were denied the privilege of personal contacts with Judge Heaton, the elder lawyers recognized in him many rare qualities and now cherish the memory of many enjoyable associations with him. He was, of course, an honorable and just judge, an honest, trustworthy and conscientious lawyer and a loyal and devoted friend. Endowed with a most pleasing and attractive personality, he was at all times the very essence of courtesy, poise and gentility. Though dignified in both his appearance and personal conduct, he always radiated a warmth and kindness in his contacts with people. He liked people, and that virtue inspired people to like him. He possessed an abiding faith and an indomitable spirit that fortified him in the hour of his adversity and enabled him to walk erect and unashamedly among his fellows. The sturdy fortitude of the man was reflected in his valiant efforts to rehabilitate an affluence wrecked by the vicissitudes and cruelties of adverse economic conditions. His success in that endeavor reflected sturdy qualities of character uncommonly manifested in men of his age. It gained for him the admiration and respect of his friends.

Judge Heaton had deep spiritual convictions. He was animated by the highest of motives. His rigid adherence to Christian concepts produced a disciplined life that refused to burden itself with ill will, hate or anger. His philosophy of life is best gleaned from a few lines he wrote a fellow lawyer years ago and which furnish an accurate and eloquent appraisal of the man.

May I live long and not grow old!
Let me rejoice that I can give
Some splendor to the life I live:
A little joy where I abide,
A touch of friendship now and then
To mark my comradeship with men.
Let me bring a little mirth
To all who share my days on earth.
Let something I have said or done
Remain when I have traveled on


To prove the man I tried to be
And make men glad they walked with me.
Lord keep me working; keep me fit.
At windows I don't want to sit
Watching my fellows hurrying by.
Let me stay busy till I die!

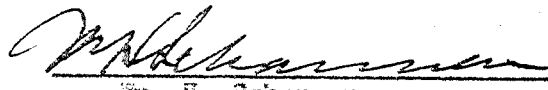
Though denied professional and social contacts with him in late years, we experience a definite consciousness of loss in his death. In tribute to him, this expression of our respect, esteem and affection for Judge Owen W. Heaton shall be spread of record upon the Order Books of the Courts of Allen County and a copy hereof forwarded to the surviving daughter and family of the deceased with the genuine sympathy of the Bench and Bar of Allen County.

Respectfully submitted,

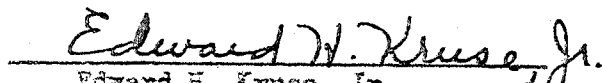
ALLEN COUNTY INDIANA BAR ASSOCIATION

By its Memorial Committee:


Clarence F. McNabb Chairman



Wm. H. Schannen


Edward W. Meyers


Edward H. Kruse, Jr.


Harold E. Korn

ATTEST:  President
Roland R. Schulz

 Secretary
James F. Dugas

IN MEMORIAM

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BENJAMIN F. HEATON

Benjamin F. Heaton, one of the oldest and most venerable Members of the Allen County Indiana Bar Association passed away Thursday evening, January 29, 1959. His parents, Jesse and Samantha C. Heaton settled in Marion Township, Allen County, Indiana, in 1833 and cleared away the forest upon the farm where Ben was born in June of 1878. He was the youngest of eleven children. At an early age he engaged in the business of raising fine stock and was doing exceptionally well until a sudden and devastating epidemic struck and killed nearly all of his animals. Discouraged and disheartened over his great financial loss and not wanting to resume in a business which to him seemed very hazardous, he entered Tri-State Normal College at Angola, Indiana, and completed his preparatory education at the Fort Wayne Business College. He then decided to become a lawyer and began his studies in the office of Vesey and Heaton where he was employed as a clerk. In 1900, at the age of twenty two, he was admitted to the practice of law and became a member of the firm of Vesey and Heaton, then one of the leading law firms in the City of Fort Wayne.

Of his four score years he devoted a half century to the active practice of law and in his retirement he continued to be vitally interested in his chosen profession. Ben will be remembered not because of the many years he lived but because of his fine personal traits, his kindly and cheerful disposition, his sense of humor, his diligence, his scholarship and knowledge of the law and his integrity and devotion to the highest principles of humanity and justice.

Ben enjoyed life and helped every one around him to enjoy

life. He was especially fond of golf and cards to each of which he gave as much of his time as he could without in any manner neglecting his family or his practice of law. He was a gracious host and loved to entertain his friends. One who never had the privilege of being a guest at the Heaton home cannot appreciate the sincerity of his charm, courtesy and princely manners. On the first two occasions of the Annual Meeting of the Indiana State Bar Association in Fort Wayne, Ben was Chairman of the Entertainment Committee which accounts in part for the fact that our Association has a reputation of being a wonderful host and for the further fact that the State Bar Association in recent years has come to Fort Wayne for its Annual Meeting more frequently than to any other Indiana City. Ben was always active in our Association.

Ben served with distinction as Probate Commissioner for approximately six years, as Referee in Bankruptcy for a number of years and would have been the first Judge of the United States District Court for the Northern District of Indiana except that Lady Luck had a date with the genial and affable Thomas W. Slick. Our Association made a tremendous effort on behalf of Mr. Heaton and it appeared that he would be recommended for the appointment but for some unknown reason Senator Watson changed his mind and recommended Thomas W. Slick. This was a great disappointment to Ben, one which might have generated ill will in the heart of the average individual but not in the heart of Ben Heaton. Judge Slick and Ben Heaton became fast friends and Judge Slick seldom came to Fort Wayne without visiting Ben at his home.

Ben's identification with the First Presbyterian Church, Professional Organizations, Chamber of Commerce, Fort Wayne Country Club, Blue Lodge, Scottish Rite, Shrine, and civic affairs evidences a life of devotion to his community and to his profession.

Honored and respected by Judges, Lawyers and countless friends,
he leaves an impressive record which will inspire and favorably
influence all of us.

BE IT NOW RESOLVED by the Allen County Indiana Bar
Association that a copy hereby be spread of record in all the
Courts of Allen County, Indiana and a copy hereof be transmitted
to David H. Heaton, Esquire.

Respectfully submitted,

Lloyd S. Hartler
Lloyd S. Hartler

William H. Schannen
William H. Schannen

Harold E. Korn
Harold E. Korn

Robert E. Leonard
Robert E. Leonard

Clarence H. McComb
Clarence H. McComb

Dan C. Finnagan
Dan C. Finnagan

Edwin H. Thomas
Edwin H. Thomas

Henry Hasley
Henry Hasley

James H. Newkirk
James H. Newkirk