

THOMAS MATTHEW KEARNEY was born on December 17, 1856, on a farm in the town of Raymond, Racine County, Wisconsin. He was the son of Michael and Mary Ann (Whaley) Kearney who settled in the town of Raymond in 1852, and who became the parents of fourteen children. The Kearney homestead consisted of a log cabin and rough outbuildings. One of the old buildings, a barn constructed with oak timbers hewn out of native trees by men wielding broad axes, was reconstructed as late as 1930.

There was an old Indian trail across the farm and, when in a reminiscent mood, Mr. Kearney would tell of Indians coming to the farm and working for his father. He remembered them as honest, kindly and industrious. Wolves were occasionally killed on or near the farm, and the country abounded in game, - ducks and geese in season, prairie-chickens, rabbits, squirrels, and great hordes of wild pigeons. He became expert with rifle and shot-gun, valuable aids to the larder in those days.

Mr. Kearney's early life was that of the average boy on a farm in that period. The work of plowing, planting, and harvesting was all done by the crudest means and those families which were fortunate in strong, willing sons were most prosperous. He was in the fields helping as well as he could when scarcely more than a child. During the winter season he attended the district school, and such papers, magazines and books as could be obtained were read aloud to the family in the evenings and their contents discussed and debated.

He received a little more than the ordinary preparation for life by attending a "select school" which was maintained by the minister of one of the nearby churches. He displayed, as

a young man, ability in declaiming the old favorite orations and selections used for "school exercises", and became interested in the technique of speech, the proper articulation of words, clarity and power of enunciation.

When he was twenty he attended Pio Nono School at St. Francis, in Milwaukee County, for a year. He borrowed the tuition from his father, and worked, during his twenty-first year for \$15 a month, out of which he repaid the advance.

His life would perhaps have been spent on a farm (although the active, inquiring qualities of his mind make this improbable) if he had not, during the illness of one of the family, and while a severe storm was raging, gone to town on foot for a doctor. He managed to reach home again but both of his feet were badly frozen. As the result of this accident, his right foot was so disabled that he was unfitted for the active, heavy work of a farmer, and he suffered greatly from its effects, but uncomplainingly, during the remainder of his life.

He sought and obtained a teacher's certificate, and taught school at old District Number 6 and, later, in the Academy at Rochester and the Waterford High School. He was County Superintendent of Schools for a time, and as such conducted the teacher's conventions, at which the work of the county school teachers was discussed and the curriculum determined. During this period he met Katharine Rohr, a woman of modest and retiring disposition but supreme excellence of character, who was also teaching in the country schools, and whom he later married.

His work with the educational forces of the county brought him into contact with lawyers here and elsewhere, and he decided to become a member of the legal profession. In furtherance of this ambition he read law in the offices of Fish and Dodge at Racine, and in due course was admitted to the bar on June 30, 1884.

Mr. Kearney practised law for about ten years at Burlington, part of the time in partnership with Ernst Merton, and thereafter with Henry Allen Cooper, during which period the firm of Cooper & Kearney maintained offices both at Racine and Burlington. After Mr. Cooper was elected to Congress, Mr. Kearney associated with him his brother-in-law, Louis H. Rohr, with whom he maintained offices at Burlington, until Mr. Kearney came to Racine in 1893 to become associated with Hon. Joshua Eric Dodge, under the firm name of Dodge & Kearney, with offices in the First National Bank Building. This firm was dissolved through Mr. Dodge becoming assistant United States Attorney General early in 1895, whereupon Mr. Kearney on June 15, 1895, associated with him William D. Thompson, under the firm name of Kearney & Thompson.

In September, 1900, Peter J. Myers was admitted as a partner, the firm becoming Kearney, Thompson & Myers. In July, 1913, Thomas M. Kearney, Jr., was admitted to the bar, and on January 1, 1914, joined the firm, thereafter known as Kearney, Thompson, Myers & Kearney. The firm dissolved May 1, 1914, Thomas M. Kearney, Sr. retiring for a time from active practice, but keeping his office with Thompson, Myers & Kearney until the month of September, 1923, when he organized the firm of Kearney, Kearney & Koelbel, composed of himself, his son, Thomas M. Kearney, Jr. and Harold M. Koelbel, with offices in the Arcade Building, where Mr. Kearney was actively engaged until his death.

An understanding of his early environment makes it easier to comprehend his later development, and, perhaps, some of his seemingly unsocial traits.

His early background was life in conditions which the poorest laborer of today would consider intolerable. Utter simplicity, rigid economy, heavy, unremitting toil, and the drab solitude of

country life as then lived were his portion, without those opportunities of escape which are so common now. Habits of industry were formed at the outset and were never forgotten.

In the conduct of his personal life he followed the simple code of a Puritan, while being at the same time devoid of fanaticism. He had, in fact, a wide and tolerant understanding of human nature, and forgave readily the lapses and failures of others without ever deviating from his own personal ideals of conduct.

Because he was obliged to compete upon his admission to the bar with lawyers whose educational advantages were superior to his own, he worked and struggled the harder and more assiduously to make up what he may have deemed a lack in himself, and thus never excused any failure to prepare a case thoroughly upon the facts or the law.

His association with John T. Fish and Joshua E. Dodge, taught him that the facts in any case were all important, and that, completely prepared and properly evaluated, the rule of law applicable thereto would evolve necessarily and without effort. His analytical power was unusual. His memory of the evidence given in a trial was marvelous. It was impossible to conceal any detail from him of a matter in which he became interested. He reasoned with equal facility from cause to effect or from effect to cause, and had an uncanny ability to ferret out the unfavorable as well as the favorable factors in any problem.

For many years after his admission to the bar he worked at his desk early and late. He had, or thought he had, no leisure to cultivate social contacts. He grew to regard his home as a sanctuary where he might relax and recuperate, rather than a meeting place for others. His business and professional duties brought him in close association with men of every degree of ability, with

experts in every field, with some great scholars, and some great rascals. Wearied of the daily clash of wills and ambitions, when evening came he preferred the peace and quiet of his library, where he could withdraw from the complexities of life, to any form of social activity. Some who did not know him may in consequence have thought him aloof and unsocial. This would be a misjudgment. He really was more than ordinarily interested in others, and was never too busy to give an ear to those in the profession, whatever their age or standing, who came to him for help, and endeavor to assist them with advice and suggestions.

He had a keen sense of humor, and, when free from cares and immediate duties, could keep any gathering, small or large, convulsed at his characterizations, comments and anecdotes. He had physical and nervous strength and energy, and boundless courage and enthusiasm. This made him a tower of strength to any cause he espoused, and inspired clients and associates with hope and confidence.

His great pride was in an uncompromising adherence to the right as he saw it and in his personal integrity. He never drew a petition in bankruptcy for any client. His mind worked along constructive lines, and he would seek any way out of a business situation rather than assist a client to repudiate his obligations. He abhorred divorces, and for the last thirty years of practice, he handled only two such cases, one for a friend whom he could not refuse. He would not move to assist one whose difficulties were brought about by an act criminal in its nature, or the result of immoral or opprobrious conduct, except to "confess and restore" and pay whatever penalty was justly and properly imposed.

In his dealings with his partners Mr. Kearney was very punctilious. He seldom handled any cash himself and left the making up of the partnership statements to the bookkeeper or to other members

of the firm, and took their word for the firm's financial condition and accepted the figures tendered when any division of partnership earnings was about to be made. Between 1894 and 1914, the returns to his firm were relatively not large, and his income from professional work was much smaller than was generally thought.

Mr. Kearney would become terribly angry at times when he felt that he had been unduly abused or mistreated or an injustice was being perpetrated on himself or a client, but as a rule his anger passed away and he rarely cherished a lasting grudge against any one, and persons whom he might regard as his enemies were extremely few. Possibly at variance with the popular impression, it is recognized by those most closely associated with him that Mr. Kearney practised law not so much for the financial return therefrom as for the enjoyment he found in it and social service he could render. If any client felt his bill was too high, he always stood ready to adjust it to the client's satisfaction; but if the service charge was deemed by the client too low, he would not accept any remuneration over and above what his bill called for, considering that to do so would place him in the class of those who took tips. In making change he was extremely careful, always maintaining that care in small matters made and kept friends in large.

Owing doubtless to his early life and associations, Mr. Kearney was always fond of the country and during his life acquired considerable farm land in Racine County, including at one time the old home of his boyhood, and he enjoyed greatly the satisfaction of studying the condition and needs of a farm and making and carrying out plans for its restoration or improvement. With this sort of work he employed much of his leisure time, during the Summer months, in the later years of his life, deriving much pleasure therefrom.

In his farm management he was progressive and enterprising which was to some extent perhaps an inherited trait.

His father was progressive and interested in the development of labor-saving farm machinery, and purchased and put in operation upon his farm one of the early Case threshers which was tested out by Jerome I. Case and other founders of the J. I. Case Company, also one of the first horse-drawn mowers and reapers, and later, a grain binder. Mr. Kearney became interested in these developments, and in later years used gasoline engines for farm power when those machines were crude and unreliable, and began to plow with tractor power long before the tractor became the finished product it is today. As early as 1900 he became interested in ^{the} development of the automobile, a new industry with which he was professionally so active later. He attended the first "show" the industry organized in Chicago and used two or more cars from 1904 until his death. He obtained more pleasure from driving about the country side in an automobile, observing and commenting upon the progress of the community than from anything else. He greatly enjoyed the radio, more particularly the addresses of prominent men rather than the musical programs, although he had a well developed appreciation of good music.

He was always a voracious reader, and because of the lack of distractions and amusements during his early years his constant hunt for information was not diverted. He, in common with most young men of that era, developed an interest in politics which never left him. He was not so young when the country went through the Civil War, the great expansion that followed, and the crash and depression of 1873, but that he drew from those events certain social and economic principles that were essentially sound and that abided with him through life. Himself an individualist, he esteemed the politico-economic philosophy of Jefferson highly, and never failed to enjoy reading his messages and papers.

Naturally, he was a Democrat in politics, and for many years

was recognized as a leading figure in the party councils in this state. At one time he was the candidate of his party for United States Senator, but was unsuccessful.

He was endowed with unusual business sagacity, could shrewdly forecast the future, and was ever a most valuable adviser to his business clients as well as in all matters of public concern.

He had a large and commercially important clientele in the direction of whose affairs he figured prominently for many years, and in the course of his professional career he conducted many important cases with outstanding ability and more than the average success. Mention of these would be ephemeral at best, and the essential and permanent facts are embodied in this general statement.

Religiously he was a professed and outspoken Christian whose faith was not undermined by materialism or mechanistic philosophy. He believed that much of the charitable work done by public agencies could and should be handled through the churches. His own acts of charity were done without advertisement and unobtrusively. He never argued a religious point, nor quarreled with any faith. He had no patience with one who drank liquor to excess, or was intemperate in any other way; but, in harmony with his belief in personal choice and personal responsibility for all acts done by man, he resisted in many public appearances the imposition of the 18th Amendment and the Volstead Act.

As a trial lawyer Mr. Kearney's pre-eminence was notable and widely recognized. Possessed of an imposing presence, a resonant and commanding voice, a forceful and aggressive manner, he was a powerful antagonist before either court or jury. He knew and studied human nature; he could speak to a country jury in their own language, for his life and theirs had been molded by the same stern history of toil and hardship. He was resourceful and alert and his native Irish wit often turned the barb meant for him against his adversary.

He came into Court with his plan of attack or defense fully conceived and developed; his facts and proofs marshalled in orderly array and the principles of law applicable well fortified by precedent. As a pleader he has had few equals in the Bar of Racine County. He had a splendid command of the English language, and the appropriate word or phrase responded to his call without hesitation. In cases of public interest, the Court Room was always crowded when he spoke, and his addresses charmed and thrilled his listeners. His voice was well modulated. His statements of fact were given in a tone quiet, earnest and convincing, but in the zeal and earnestness of appeal he often rose to passionate eloquence. As an after dinner speaker and presiding toastmaster, he was much sought after, and until the last years of his life responded freely. He at one time inspired and directed the formation of a public forum in Racine for the discussion of questions of public interest, at the meetings of which he presided. He was a student of affairs and of tendencies, of thought and government, and was fearless in expressing his views in public meeting and in the press.

Mr. Kearney's life's work is accomplished. His soul has passed to his Maker in whom he trusted and believed. The old court house, the scene of so many of his early conflicts and struggles and whose walls echoed with the ring of his voice, is also now but a memory. They have both made their mark in the history of Racine County, and their memory can only be effaced by the passing of the years.

Mr. Kearney was at work in his office on Wednesday, the 13th day of January, 1932. The following day he went to Chicago, where he spent most of the day. He died on Friday, the 15th day of January, 1932, practically in the harness, as he always wished he might when his time should come.

He left surviving his wife Katharine, devoted companion of

many years, his son, Thomas M. Jr., engaged in the practice of law at Racine, and two daughters, Mrs. Jennette Rood of Park Ridge, Illinois, and Katharine, of Racine.

How more fittingly could we close this record of Mr. Kearney's life than in the words of Gray:

"No farther seek his merits to disclose,
Or draw his frailties from their dread abode,
(There they alike in trembling hope repose),
The bosom of his father and his God."

John P. Simmons
W. B. Thompson
L. B. ...

Committee.