

## Cyrus E. Dietz 1928-1929

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Cyrus Edgar Dietz was born on a farm near Onarga, Illinois, a town on the Illinois Central Railroad in Iroquois County on March 17, 1875. At the peak of a highly successful career as a prominent attorney, he won a seat on the Supreme Court only to die of injuries sustained in an equestrian accident barely nine months after his swearing-in, making his tenure one of the shortest in the Court's history.

His parents were Charles Christian Dietz and Elizabeth Orth Dietz. He was the youngest of eight children. His father was born in Philadelphia of Alsatian background. His mother came from a Moravian family that settled in Pennsylvania in the early eighteenth century. Elizabeth Orth Dietz's uncle was Godlove Orth, a friend of Abraham Lincoln's during the Civil War, a prominent lawyer in Indiana, serving in the state legislature, in the United States House of Representatives, and as minister to the court of Vienna.<sup>1</sup>



His education began at the Grand Prairie Seminary at Onarga. From there he went to Northwestern University and majored in speech and law, obtaining his Bachelor of Law degree in 1902. His brother Godlove Orth Dietz graduated with him.<sup>2</sup> While pursuing his double-major at Northwestern, he also played fullback for the university football team, an effort that earned him All-American status in 1901.<sup>3</sup>

After graduation he stayed near Northwestern to practice law in the Chicago office of William Dever, who would later become mayor of Chicago in the 1920s. After achieving some national fame as a college football player, he was not quite ready to give up sports. In 1902, he accepted the position of head coach for the football team at Kansas State Agricultural College, now Kansas State University. The following year, he took the same position with the team at Willamette University in Salem, Oregon. In 1904, he moved to Moline and joined his well-liked and respected brother who had moved there to start a law practice. In that year, he became the Moline High School football coach and led the team to the Illinois state championship that season.<sup>4</sup>

He soon joined the office of Burton F. Peek, a former United States District Attorney and later the general counsel for John Deere & Company, which had its headquarters in Moline. He left Peek's office to join in practice with his brother from 1912 to 1918. After that time, he left his brother to form Kenworthy, Dietz, Shallberg, Harper, & Sinnett.<sup>5</sup> He took on important positions such as general counsel for the local Tri-City Manufacturers Association and the Chicago-based Associated Employers of Illinois in 1908 and 1925, respectively. His clients came from many states, and he represented them in state and federal courts and in front of legislative committees.<sup>6</sup>

Aside from his law practice he was also active in the Republican Party. In 1920, he was a delegate to the unsuccessful state constitutional convention. In 1924, he was a delegate to the Republican National Convention that nominated Calvin Coolidge; he attended again in 1928.<sup>7</sup> Probably because of his extensive practice and his political activity he came to the attention of Republican Illinois Attorney General Oscar Carlstrom, who had also been a practicing attorney

in the Rock Island-Moline community. Carlstrom appointed him Special Attorney General to represent Illinois in two high-profile cases.

Dietz represented the State of Illinois and the Chicago Sanitary District in a suit brought against them by the Great Lakes states of Wisconsin, Minnesota, Michigan, Ohio, Pennsylvania and New York. Because the case was among states, the United States Supreme Court had original jurisdiction. In a suit known as the lake-levels litigation, the plaintiffs sought to prevent Illinois from diverting water from Lake Michigan down the Illinois Waterway into the Mississippi watershed. Suits between states over the waters of the Great Lakes were somewhat common. In this particular case, the plaintiffs claimed that the lowered levels of the lakes harmed shipping, commerce, and the public health. For three years, Dietz managed Illinois' defense in front of specially-appointed Master in Chancery Charles Evans Hughes. Dietz argued that lower lake levels could not be altogether attributable to Illinois' usage. The resulting decision upheld the right of Illinois to divert water, but limited the amount.<sup>8</sup> Hughes complimented Dietz on his work. The second important case was a suit against the Illinois Central Railroad in regard to fees and the company's charter. Dietz was able to effect a settlement in the case, which had been dragging on for twenty years, bringing \$1.5 million into the state treasury.<sup>9</sup>

Early in 1928, Justice Floyd Thompson of the Fourth Judicial District announced that he would resign his seat on the Court to run as the Democratic candidate for governor. Since the western Illinois district generally returned Republicans to elected offices, five individuals from various parts of the area vied for the Republican nomination. After thirty-one votes in the party caucus, Dietz emerged the winner. In the November general election, he beat his Democratic opponent, Warren Orr, by more than 18,000 votes out of the 151,700 votes cast in the fourteen

counties comprising the electoral district. Orr would later be elected to the seat in 1930 as a result of anti-Republican sentiment following the onset of the Depression.<sup>10</sup>

Shortly after his election to the Supreme Court bench, his name surfaced in a payroll scandal in the Chicago Sanitary District, now named the Water Reclamation District. An investigation into the seemingly high number of employees in the sanitary district, some of whom made relatively large salaries, led to a sensational hearing. The former president of the district's board pointed out, with apparent vindictiveness, that the district had paid Cyrus Dietz \$107,000 when he worked for the district in the lake-level litigation, with the obvious inference that Dietz had done something illicit. Dietz admitted that he had in fact been paid that amount but pointed out that his service was spread over three years and that his fee had been \$100 per day, which was less than the average attorney fee of the day. He added that this amount included his travel expenses and fees paid to others.<sup>11</sup> The *Chicago Tribune* rushed to Dietz' defense, and in a prominent editorial averred vehemently that Dietz was never involved with any chicanery at the sanitary district and that "Justice Dietz is one of the ablest members of the Illinois bar."<sup>12</sup> The issue never surfaced again.

Serving on the Court for only ten months, Dietz authored twenty-four opinions of the Court. In *People v. Brown*, Justice Dietz reversed a Bureau County Circuit Court case in which S. G. Brown was found guilty of practicing medicine without a license. Dietz suggested that the prosecution failed to be specific in its accusations, and therefore, Brown was unable to prepare a defense to the charge.<sup>13</sup> In *Bamberger v. Barbour*, Justice Dietz negated an unsigned will that had been admitted to probate in Cook County. Edwin Bamberger had written out his will and had two uninterested parties sign as witnesses, but Bamberger failed to sign it. Dietz acknowledged that prior cases on the subject "are in conflict," but he relied on a California case

that concluded that “the document in question was not signed by the testator as required by” the statute relating to wills, “and that it is not entitled to probate.”<sup>14</sup>

Justice Dietz was an avid horseman, a pastime he had enjoyed for many years. At eight o’clock in the morning of September 12, 1928, while he was enjoying his customary morning ride with nephew Carl Dietz, he was thrown from his horse when a truck bumped into him while negotiating morning rush hour traffic near the corner of Fourteenth Street and Third Avenue in Moline. He landed hitting his head and left knee on the pavement. He was awake and lucid, but as the pain was severe he was taken to Lutheran Hospital where he soon lost consciousness then died at 1:22 in the afternoon. The cause of death was given as “shock and internal injuries.”<sup>15</sup> His horse Bravo was uninjured. When he landed on the ground he broke his left leg, reproducing an identical injury that he suffered ten years earlier when he was thrown by another horse while riding at the nearby Rock Island Arsenal.<sup>16</sup> Ever since the earlier accident, he had been forced to walk with a cane.

His funeral was conducted in his home by his Congregational minister. Hundreds of friends and colleagues from the bench and bar attended the service followed by interment in the mausoleum at Riverside Cemetery in Moline. His brother Godlove had preceded him in death a few months earlier, but brothers Charles, John and Milton and sisters Maude Dietz, Anna Forbes, and Ella Holz plus many nieces, nephews, and cousins were present. He left behind his widow, the former Roberta Louise Sleight of Moline, daughter of Mr. and Mrs. Edward H. Sleight. They were married in 1904 and had one adopted son, Hunter.<sup>17</sup>

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<sup>1</sup> 337 Ill. 12.

<sup>2</sup> *Chicago Legal News*, 18 January 1902, 348.

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<sup>3</sup> *Chicago Daily Tribune*, 14 September 1929, 23; 337 Ill. 12; *Moline Daily Dispatch*, 7 November 1928, 14; *Moline Daily Dispatch*, 13 September 1929, 23.

<sup>4</sup> *Ibid*; *Rock Island Argus*, 13 September 1929, 14.

<sup>5</sup> *Moline Daily Dispatch*, 13 September 1929, 23.

<sup>6</sup> *Ibid*.

<sup>7</sup> *Ibid*.

<sup>8</sup> *American Bar Association Journal* 15 (1929), 146-148; *Chicago Daily Tribune*, 27 February 1927, 14; 337 Ill. 13; *Wisconsin et al. v. Illinois*, 279 U.S. 821 (1929).

<sup>9</sup> *Rock Island Argus*, 13 September 1929, 14.

<sup>10</sup> *Moline Daily Dispatch*, 7 November 1928, 14.

<sup>11</sup> *Chicago Daily Tribune*, 24 January 1929, 1.

<sup>12</sup> *Chicago Daily Tribune*, 26 November 1926, 12; *Chicago Daily Tribune*, 28 November 1929, 12.

<sup>13</sup> *People v. Brown*, 336 Ill. 257 (1929).

<sup>14</sup> *Bamberger v. Barbour*, 335 Ill. 458 (1929). The California case was *In re Manchester's Estate*, 174 Cal. 417 (1917).

<sup>15</sup> *Chicago Daily Tribune*, 14 September 1929, 1

<sup>16</sup> *Moline Daily Dispatch*, 13 September 1929, 1.

<sup>17</sup> *Moline Daily Dispatch*, 16 September 1929, 1; *Moline Daily Dispatch*, 13 September 1929, 23.