

**Loren E. Murphy**  
1939-1948

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Loren E. Murphy was born on July 23, 1882 to James W. and Ann Elizabeth (Deacon) Murphy in Cuba, Fulton County, Illinois. His great-grandfather had come to Fulton County from Ohio in 1832, and Murphy spent his childhood there living on his family's farm and attended schools in Cuba.<sup>1</sup> He graduated from the University of Michigan Law School in 1906, and he began practicing law in Monmouth, Warren County, Illinois that same year. On November 26, 1910, he married Bessie Ditto and they would have eight children.



Murphy held many professional positions during his career in Monmouth, and he was also quite civically engaged. In 1908, he formed a partnership with lawyer Clinton M. Huey until 1910 when Murphy won election as judge of Warren County. Re-elected to this position in 1914, Murphy did not return to his private law practice until 1918, the year in which he was also elected to the Monmouth Hospital Board. His fellow lawyer John J. Kritzer, who was acquainted with Justice Murphy from 1917 to 1939, said of his law practice that, "his practice was made up of people from all stations of life—poor, rich, young, old, black and white. They came to his office. Why? Because he was kind, approachable, upright, understanding, honest, capable and attentive to business."<sup>2</sup> Dedicated to public service, Murphy

led the Monmouth park system free of charge and also served for a few years as the attorney for the park board.<sup>3</sup>

He was elected the president of the Board of Education in 1923 and in 1924 he formed a partnership with John Kritzer after the death of Clinton M. Huey. He was elected circuit judge in 1932, a position that he was reelected to in 1933, the same year that he was appointed to the appellate court at Mt. Vernon. This election was significant because Murphy was the first Democrat elected to the ninth judicial circuit since its creation in 1890, and his support by the Republican Party would last through his 1939 election to the Illinois Supreme Court.<sup>4</sup> He served a nine-year term, succeeding Justice Warren H. Orr, who had just retired. Murphy served as Chief Justice of the court from 1942 to 1943 and 1947 to 1948.

In a memorial of Justice Murphy, Illinois Supreme Court Chief Justice Ray Klingbiel said, “His logical analysis of the law, the thoughts expressed, and the pleasing style with which they are presented all leave an enduring impression for depth in thought of kindness in manner, and of conscientious devotion to duty. The products of his work are so well supported by sound reasoning that they are cited numerous times as precedent, and are frequently quoted because of their accuracy and conciseness.”<sup>5</sup> A reading of his recorded judicial opinions, which total approximately 334 and cover various subjects—including workmen’s compensation, inheritance, murder, larceny, tax, collection, and insanity pleas—certainly reflects the depiction of Murphy as accurate and concise, and one may also add that he was quite thorough in his reasoning.

One case that exemplifies these descriptions is *People v. Maggi*, in which Murphy ruled in support of adhering to a minimum-wage law passed for women and minor workers. Jean Maggi, the defendant, was a beauty culturist who employed licensed workers in the field. She paid her employees a wage that did not meet the minimum standard set by the act because it did

not apply to beauty professionals. Murphy analyzed the language of the act to conclude that it did apply to professional employees. To interpret the meaning of the act point by point, he employed and explained several official dictionary definitions: the *Webster's* dictionary definition of industry, the *Anderson's Dictionary of Law* and *Encyclopedia Dictionary's* definition of trade and *Webster's* definition of business.<sup>6</sup> After identifying and defining the terms used in the act that were up for interpretation, Murphy made a statement that may be indicative of his judicial philosophy:

The words used to fix the meaning of the term occupation are almost as flexible in meaning and comprehensive in scope as the word which they are used to define. The primary purpose of statutory construction is to ascertain the intention of the legislature and in determining such intent it is proper for the courts to consider the language used, the evil to be remedied and the object to be obtained.<sup>7</sup>

He then concluded from his findings that the broad definitions of the key terms of the act made beauty culture professionals entitled to its benefits. He upheld the decision of the lower court which ordered Maggi to meet the Illinois minimum wage standard.

Justice Murphy wrote the opinion for *People ex rel. Denny v. Traeger*, a case brought to the Illinois Supreme Court against jury commissioner John E. Traeger, who excluded a woman from participating on a jury. Murphy held that the language of the 1937 Jury Commissioner's Act did not support female exclusion from juries. He awarded a writ of mandamus, stating that Clara L. Denny "was excluded from jury service on the false theory of economic, sociological and legalistic inferiority and not by any positive statement found in any of the constitutional provisions guaranteeing the right of trial by jury."<sup>8</sup> To support this claim, Murphy included various statements from the 1818, 1848, and 1870 Illinois Constitutions regarding the essential

elements of a trial by jury.<sup>9</sup> The decision was well received, and the *Chicago Tribune* reported on the significance of the ruling, stating, “More than 2,000 names will be in the hopper [device holding names of possible jurors] from which the list is chosen. Traeger estimated that at least half—and probably more—would be those of women. Based on the law of averages, this would mean that half of the September juries will be composed of women.”<sup>10</sup>

The use of multiple forms of evidence to interpret the language of laws as seen in these two decisions is typical of Justice Murphy’s opinions, and these opinions exemplify his style as a judge. Murphy was very technical and thorough in his arguments and he provided sound precedents for the use of judges who would sit on the Illinois Supreme Court after him.

Murphy ran for re-election to the Supreme Court, but was defeated by Republican Albert M. Crampton in June 1948. Crampton, a former Moline city judge, yielded 28,461 votes to Murphy’s 24,067 votes, and Murphy carried only two of fourteen counties in the fourth district: Schuyler County and Warren County.<sup>11</sup> The *Chicago Tribune*, noting the strengthening of the Republican Party at the time of the election, attributed this loss to voter preference to elect a Republican as opposed to Murphy, who was a Democrat.<sup>12</sup> This trend in voter preference was relevant at the national level as well, and as early as 1945, during the Truman presidency, congressional elections shifted from Democratic to Republican victories. For instance, the *Chicago Tribune* also reported in April 1945 that a normally Democratic-leaning Montana congressional election was won by Wesley D’Ewart, a “vigorous foe of centralized bureaucracy and government paternalism,” and stated that “The election had been watched as an indication of the trend which might be expected in the 1946 nationwide congressional campaign.”<sup>13</sup> Even though Republicans had supported Murphy in the past, it seems that his re-election campaign could not stand up against the local and national trend that favored Republicans. After Murphy’s

tenure on the Illinois Supreme Court, he served on the Monmouth Park Board and the Police and Fire Commission of Monmouth, and he also held the position of chief counsel of the Illinois Bankers Life Assurance Company until he retired in 1956.<sup>14</sup>

Judge Murphy died on June 2, 1963 at his home in Monmouth, Illinois. He was survived by his wife Bessie; his sister Marie; three daughters: Dorothy, Margaret, and Genevieve; and four sons: Loren, Jr., Wayne, Darrell, and Lewis. His funeral services were held at First Methodist church in Monmouth and he was buried at Warren County Memorial Park cemetery.<sup>15</sup>

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<sup>1</sup> *Chicago Tribune*, 24 May 1939, 7.

<sup>2</sup> 31 Ill.2d 25 (1964).

<sup>3</sup> *Chicago Tribune*, 24 May 1939, 7.

<sup>4</sup> *Chicago Tribune*, 24 May 1939, 7.

<sup>5</sup> 31 Ill.2d 29.

<sup>6</sup> *People v. Maggi*, 378 Ill. 595 (1942).

<sup>7</sup> *People v. Maggi*, 378 Ill. 595.

<sup>8</sup> *People ex rel v. Traeger*, 372 Ill. 11 (1940).

<sup>9</sup> *People ex rel v. Traeger*, 372 Ill. 11.

<sup>10</sup> *Chicago Tribune*, 9 August 1939, 1.

<sup>11</sup> *Chicago Tribune*, 8 June 1948, 1.

<sup>12</sup> *Chicago Tribune*, 9 June 1948, 6.

<sup>13</sup> *Chicago Tribune*, 6 June 1945, 16.

<sup>14</sup> "Judge Murphy Dead," *Monmouth Review Atlas*, 3 June 1963, 1.

<sup>15</sup> *Monmouth Review Atlas*, 3 June 1963, 1.