

Clyde E. Stone
1918-1948

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One of the longest-serving Illinois Supreme Court justices, Clyde Ernest Stone was born near Mason City, Illinois, on March 23, 1876. His grandfather William A. Stone, a native of Virginia, resided for a time in Kentucky before commencing farming in Menard County, Illinois, in 1835. William's son Claudius L. Stone was the Mason City postmaster and a prosperous Mason County farmer. He and his wife, Mary Gertrude Marot Stone, became the parents of six children, including Clyde Ernest. Mary Stone died in 1884 from injuries when a cyclone destroyed the family home.¹



Reared on the family farm, Clyde Stone attended rural schools and in 1894 graduated from Mason City High School. He taught in county schools for six years, while also studying law at home. On November 14, 1900, he married Jessie Browning, daughter of Dr. Joseph and Lucy E. Harpham Browning of Havana, Illinois. The Stones would become parents of three daughters.

In 1901, Stone entered the University of Illinois College of Law, pledging Phi Kappa Sigma, the Phi Delta Phi law fraternity, and earning a varsity letter in football.² After receiving his law degree in June 1903, Stone partnered in Peoria with Irwin I. Fuller, then in 1908 opened a law office with Joseph V. Graff, a veteran Peoria attorney and former member of the U.S.

Congress.³ “As a lawyer,” wrote one Peoria historian, “Stone soon demonstrated his ability to handle intricate and involved problems of jurisprudence and to accurately apply the principles of the law to the points in litigation. His preparation of a case was ever thorough and comprehensive, his presentation clear and forceful and his deduction logical. He is seldom, if ever, at fault in the citation of principle or precedent and his success is due above all other things to his indefatigable industry.”⁴

While maintaining the law practice, Stone also served for three years as assistant state’s attorney. In 1910, he won election to the county court on the Republican ticket by a slight margin. “As a result of the energy of the new judge,” recalled attorney Clarence W. Heyl, “his industry and intelligence, his firmness in requiring compliance with the adopted rules, it was but a short time until the trial dockets were up to date.”⁵

Reelected by a large majority in 1914, Stone served on the county court until his election as judge of the Tenth Judicial Circuit in 1915. Then, in June 1918, a mere fifteen years after law school graduation, the forty-two-year-old won the election to succeed Fifth District Justice Charles C. Craig on the Illinois Supreme Court. “As a member of the bar of that circuit,” Heyl continued, “I can testify that the movement to nominate [Stone] as a candidate for the Justice of this court came from the almost unanimous support of the lawyers of our circuit. . . . His ability as a circuit judge had been proven.”⁶

Stone would be reelected in 1927, 1936, and 1945, and serve as chief justice in 1921, 1927, 1932, 1936, and 1942. Among his numerous opinions was *People of the State of Illinois v. Ernest J. Stevens*, a famous case of alleged financial corruption. Chicagoan James W. Stevens, grandfather of U.S. Supreme Court Justice John Paul Stevens, had made a fortune in insurance and in operating the LaSalle Hotel. In 1925, James and his sons Raymond and Ernest launched

the Stevens Hotel Company, selling bonds to construct the world's largest hotel on Michigan Avenue and Seventh Street (now Balbo Drive). The new Stevens Hotel opened in May 1927, to great success. But during the Great Depression, after both the highly leveraged Stevens and the LaSalle lost millions of dollars, James and his sons authorized massive loans from the family-owned Illinois Life Insurance Company. They eventually filed for receivership, and when federal agents and a court-appointed administrator found a \$13 million Illinois Life investment in the distressed hotels, a Cook County Grand jury indicted the three men for embezzlement.⁷

James suffered a massive stroke from the stress, and Raymond committed suicide; thus, Ernest Stevens stood trial alone. Even though the defense called prominent character witnesses, including former Illinois governors and business leaders, the jury found him guilty of embezzling \$1.3 million. The Cook County Criminal Court upheld the verdict, and Ernest lost the entire family business.

But on appeal to the Illinois Supreme Court, Justice Stone delivered the opinion reversing the decision. "The transactions," he wrote, "were done in the regular course of business of the insurance company and approved by its board of directors. The officers of the insurance company had a right and power to loan money to the hotel company. In this whole record there is not a scintilla of evidence of any concealment or fraud attempted. . . . We are of the opinion that the record does not justify the verdict of guilty."⁸

Stone also wrote the reversal decision in the 1945 *Gabel Manufacturing Company v. Francis B. Murphy, Director of Labor*, regarding the state's Unemployment Compensation Act. The John Gabel Manufacturing Company of Chicago petitioned the Supreme Court after the Cook County Circuit Court ruled for the Illinois Department of Labor, seeking unemployment compensation assessments from the company. The issue involved several former employees who

became independent contractors to lease, install, operate, and service Gabel-manufactured vending machines and automatic phonographs. “We see no difference in the arrangement” between the company and the contractors, Stone wrote, “from that of a farmer who owns a farm and machinery to operate it, and who also buys, sells and feeds livestock, and desiring to devote his entire time to his livestock business and to be free from the responsibility of cultivating the land, leases to a then hired employee, his farm and his farm equipment and the use of the farm land.”⁹

A member of the First Presbyterian Church of Peoria, the local, state, and national bar associations, Stone also participated in local community affairs and several fraternal organizations. An avid outdoorsman, he supported wildlife conservation efforts of the Izaak Walton League.

On January 14, 1948, at age seventy-one, Stone died from a cerebral hemorrhage while caring for his ailing wife at their Tucson, Arizona winter home. Following services in Tucson and at the Scottish Rite Cathedral in Peoria, he was buried in Peoria’s Springdale Cemetery.¹⁰ “For nearly thirty years,” eulogized Illinois Governor Dwight H. Green, “he has been a distinguished member of the bench in this state. His exceptional ability and the high quality of his judicial service were widely recognized not only by the bar but by all citizens. His place on the supreme bench will indeed be hard to fill.”¹¹

Only Thomas C. Browne’s thirty-year tenure on the Illinois Supreme Court, 1818-1848, surpassed that of Stone. “It was Justice Stone’s ambition,” attorney Heyl recalled, “to continue his service in this court until he had at least served a period equal to that of Justice Browne. Had he lived until September 1948, he would have achieved that ambition.”¹²

¹ George W. Smith, *History of Illinois and Her People*, Chicago: American Historical Society, 1927, V. 4, p. 34.

² *History of Peoria County*, Chicago: S. J. Clarke, 1912, v. 2, p. 152; *Peoria Journal Star*, Dec. 22, 1997, p. B3.

³ Smith, p. 34.

⁴ *History of Peoria County*, p. 153.

⁵ 400 Ill., 14; *Peoria Journal Star*, Dec. 22, 1997, p. B3.

⁶ 400 Ill. 14.

⁷ “Heartbreak Hotel,” *Chicago*, Aug., 2006.

⁸ 358 Ill. 391-407.

⁹ 390 Ill. 455-75.

¹⁰ *Illinois State Journal*, Jan. 15, 1948, p. 1; *Peoria Journal*, Jan. 16, 1948, p. 21; *Mason City Banner Times*, Jan. 22, 1948, p. 1.

¹¹ *Peoria Journal and Transcript*, Jan. 15, 1948, p. 27.

¹² 400 Ill. 14.