

## Paul Samuell 1929-1930

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Justice Paul Samuell represented the Fourth District on the Supreme Court for one year from his appointment in 1929 until he was replaced in the June 1930 election. Henry Paul



Samuell was born near Havana in Mason County on October 2, 1886. He was one of four children born to the family of Hickman B. Samuell and Sarah Estep Samuell. He received his early schooling at Whipple Academy in Jacksonville, graduating from there in 1905. He stayed in Jacksonville to attend Illinois College but left there to complete his formal education at the School of Law at Illinois Wesleyan University in Bloomington where he earned a Bachelor of Laws degree in 1910. He was admitted to the Illinois bar the same year.<sup>1</sup>

He worked briefly for the *Bloomington Pantagraph*, and then moved to join his parents in Roundup, a small town on the plains of central Montana. He stayed there practicing law for three years before returning to Jacksonville. He was in private practice for only a few years when he was elected county judge in 1919 as a Republican. He was reelected in 1920. At the end of his second four-year term on the circuit bench, he formed the law firm of Bellatti, Samuell & Moriarty in 1924. He stayed with the firm, except when he was on the Supreme Court, until his death in 1938. Throughout the 1920s, he served on the Republican State Central Committee representing the Twentieth Congressional District.<sup>2</sup>

In addition to his legal career, Samuell was a member of Jacksonville's Elks Club and Masonic Lodge. With business partners Walter Bellatti and F.M. Morris, he owned the popular Dunlap Hotel in downtown Jacksonville.<sup>3</sup>

Justice Samuell's journey to the Supreme Court began when Fourth Judicial District Justice Floyd E. Thompson announced his resignation from the bench to run as the Democratic candidate for Governor in 1928. Samuell immediately announced his candidacy for the seat in the special election called by Governor Lewis Emmerson for November 1928, the same day as the presidential election. Although Samuell had the backing of Governor Emmerson, the nomination went to Cyrus Dietz of Moline after thirty-one ballots taken at the district Republican convention. Dietz won the election easily and probably would have run again in the regular election for the Fourth District in 1930, but after serving on the Supreme Court bench for less than a year, he was killed in an equestrian accident.<sup>4</sup> When there is more than one year remaining in the term of a vacant Supreme Court seat, the governor is obliged to call a special election. When there is less than one year remaining in a term, the governor may appoint an individual to fill the vacancy. When Justice Dietz died, there was less than one year remaining in the term so Governor Emmerson appointed Samuell to the seat.<sup>5</sup>

The regular Supreme Court election was scheduled for June 1930, barely nine months from Samuell's appointment. On this occasion, as the incumbent, his nomination by the Republican convention for the Fourth District was "smooth and harmonious," and although there were a few other candidates, Justice Samuell won the nomination "by a landslide" on the third ballot.<sup>6</sup> Samuell's opposition, the Democratic candidate, was Warren H. Orr, from Carthage, on the far side of the district near the Mississippi River. Orr had run for the Court in the special election in 1928 that Dietz had won. The district was largely Republican, but Samuell had

earned editorial endorsements, including the *Chicago Tribune*, and local observers predicted that Samuell would beat Orr, perhaps by a larger margin than Dietz had in 1928. However, the Depression had eroded voters' confidence in the Republican Party since the 1928 election, and Orr beat the incumbent Samuell by 4,000 votes.<sup>7</sup>

During his time on the bench, he wrote twenty-two opinions. In *Lundgren v. Industrial Commission*, Edward Iverson broke his leg while working for Carl Lundgren. He was unable to use his leg afterwards and was unable to return to work but worked other jobs that did not require the use of his leg. Lundgren voluntarily paid him \$17 per week until reaching the maximum benefit. Iverson applied to the Industrial Commission for further payment. The arbitrator ruled for Lundgren, but the Commission overruled the arbitrator. Lundgren took the case to the courts, but Iverson died before a judgment. The court ruled that Iverson deserved more workmen's compensation, and Lundgren appealed the decision to the Illinois Supreme Court. Justice Samuell reversed and remanded the judgment noting that Iverson "had been paid the maximum amount which he could have recovered" under the death benefit clause of the act and "was not entitled to any further award."<sup>8</sup>

In the criminal appeal of Carl Fiorita, Justice Samuell ruled on the importance of expert witnesses and eyewitness testimony. Fiorita was one of four defendants found guilty of killing a cashier at a bank in Madison, Illinois. Fiorita appealed to the Supreme Court. Two eyewitnesses to the crime said that they "thought Fiorita was one of the four men...or at least, it was somebody who looked like him." Another witness claimed to be an expert in ballistics but he had no experience in firearms other than owning a shooting gallery and brief work for the St. Louis Police Department. Justice Samuell reversed the judgment and remanded the case to the lower court. He wrote that the "jury might very properly have found plaintiff in error not guilty if the

witnesses” had not been permitted to testify and the cross-examination of the ballistics expert had been properly limited.<sup>9</sup>

Although his tenure on the Supreme Court was brief, his colleagues agreed that he had “endeared himself to all his associates.”<sup>10</sup> Even so, his public service was not over. He later served on the Illinois Commerce Commission in 1932-1933 and from time to time received appointments to conduct arbitration work for the state’s executive branch. He was also given tasks such as the chairmanship of a commission to investigate evasion of the state’s motor fuel tax.<sup>11</sup>

Following his electoral defeat he decided he would no longer seek judicial office and devote his time to his law practice.<sup>12</sup> His health, however, deteriorated after undergoing major surgery in 1932. He also developed a heart condition, and when fighting pleurisy, he died in his home on west State Street in Jacksonville on March 21, 1938 at age fifty-two. He left behind his widow, Millicent Rowe Samuell and his son Rowe Samuell. His brother, Dr. Dillard Samuell, preceded him in death, but he had two surviving sisters, Mrs. Blanch Keason of Havana, Illinois, and Mrs. Ida Thomas of San Diego, California.<sup>13</sup>

To pay tribute to him, the Morgan County court and all the law offices in the Jacksonville were closed during the hours his funeral was occurring. The services were held in the Justice’s home and conducted by Dr. M.L. Pontius of the Central Christian Church, and Dr. C.P. McClelland, the president of Jacksonville’s MacMurray College. His friends and colleagues from the community, politics and the Supreme Court were in attendance. His long-time associates, Governor Lewis Emmerson could not attend because he was not well. Following the funeral services Justice Samuell’s remains were taken to the Valhalla Chapel of Memories in St. Louis for cremation.<sup>14</sup>

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<sup>1</sup> 369 Ill. 1; *Jacksonville Courier*, 21 March 1938, 12.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

<sup>4</sup> *Moline Daily Dispatch*, 7 November 1928, 14.

<sup>5</sup> *Chicago Daily Tribune*, 1 October 1929, 7.

<sup>6</sup> *Chicago Daily Tribune*, 11 April 1930, 5.

<sup>7</sup> *Chicago Daily Tribune*, 1 June 1930, 7; *Chicago Daily Tribune*, 2 June 1930, 12.

<sup>8</sup> *Lundgren v. Industrial Commission, Iverson, et al.* 337 Ill. 246 (1929).

<sup>9</sup> *People v. Fiorita*, 339 Ill. 78 (1930).

<sup>10</sup> 369 Ill. 1

<sup>11</sup> *Chicago Daily Tribune*, 10 September 1931, 4; *Chicago Daily Tribune*, 21 October 1931, 16; *Chicago Daily Tribune*, 30 June 1933, 12.

<sup>12</sup> 369 Ill. 1.

<sup>13</sup> *Jacksonville Courier*, 21 March 1938, 12; *Chicago Daily Tribune*, 22 March 1938, 12; *Chicago Daily Tribune*, 4 August 1932, 1.

<sup>14</sup> *Jacksonville Courier*, 22 March 1938, 8; *Jacksonville Courier*, 23 March 1938, 12.